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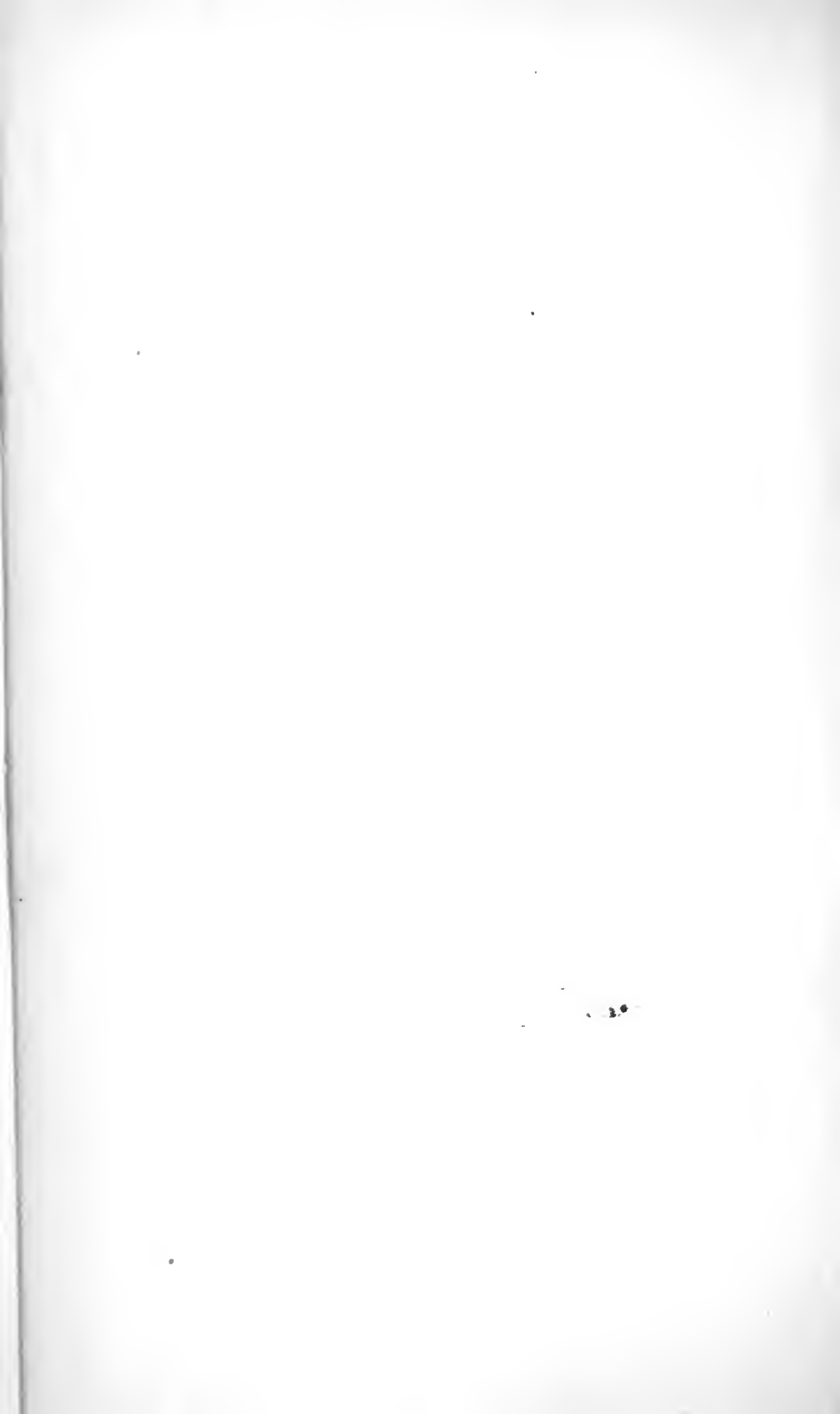
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COLLECTIONS
OF THE
MAINE HISTORICAL SOCIETY
SECOND SERIES

DOCUMENTARY
HISTORY OF THE STATE OF MAINE

VOL. XI.

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., LITT. D.

PUBLISHED BY THE MAINE HISTORICAL SOCIETY, AIDED BY
APPROPRIATIONS FROM THE STATE

PORTLAND, MAINE
LEFAVOR-TOWER COMPANY
1908

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PREFACE

WERE it not that a serious error was made by giving the documentary publications of the Maine Historical Society the title given to the papers read at its meetings, viz: "Collections of the Maine Historical Society," with the addition of "Second Series," I could commence a new series with this volume, but I cannot call it a third series, for the Society is printing a third series under the same title of "Collections;" in fact, it has already printed another second series under the same title. I therefore think it best to continue future volumes of the "Documentary History" under the misleading title of "Second Series" to avoid further complications.

JAMES PHINNEY BAXTER.

61 DEERING STREET, PORTLAND, MAINE.

March 1, 1908.

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DOCUMENTARY HISTORY

OF THE

STATE OF MAINE

Colonel Dunbar to Mr Secretary Popple.

Boston, New England Dec^r y^e 29th 1729.

Sir

Since My last of the 10th instant, I have received information (upon the promise I published of a reward) against a person who has cutt downe 76 Mast trees in the Province of New Hampshire. I hope from this man to gett a discovery of a Number of others concerned, and will prosecute them with all vigour, there is more reason to hope for justice in that province than in the Province of Maine, which is under this Governm^t. Upon this information I sent for M^r Waldo and M^r Westbrook, who provides the Masts for the Contractor, and desired they would take those 76 trees, or such of them as should be found fitt, and some which were seized & condemned last year, for his Majesty's use, w^{ch} would save the like number standing, M^r Waldo^s (the Agent for the contractor) answer was that he had agreed with M^r Westbrook for his whole number and could not take those in part, I Offered the last parcel to him, without a penny Expence, & those last year onely for paying y^e Court charges in condemnation, w^{ch} is not above three shillings p tree sterlin^s & for which I have no fund, M^r Westbrooks

answer was that he had agreed to provide the Numbers in in the Contract, and haveing cutt slay roads near Casco in the Woods where he intended to cutt y^e trees could not consent to take those in New Hampshire as part of them, I urged that they ought to take them, & that I believed if I obliged them to do it before they should cutt any others, it would be thought at home I did no more than my duty, but however I would for the present onely recommend it home, Captain Marwood, who cōmands the Kings ship on this station, was a witness to all this, w^{ch} I desire because M^r Waldo is a man that has not the best character & is uneasy that he is not absolute without controul, and I have heard has taken the liberty to threaten by his interest in England to have me removed, whenever I deserve it I shall desire nothing better, but I can promise myselfe that the severest Judge upon y^e strictest Scrutiny shall never find cause for it.

the onely reason that I can imagine for their refuseing these trees, is that they are such a distance from their saw Mills that they can make no use of such of them as they would convert that way, M^r Waldo goes home in the ship wth this, as agent for a number of the Claimants for Vast Tracts of Land in Georgia; he is one of the Company concerned with D^r Cook & I find dayly so many of those claims that if they are confirmed or allowed at home, his Majesty can have no Nursery reserved there for the Royal Navy, but the Country must remain for ever a wilderness. I have already wrote so full upon this subject that I am very unwilling to trouble My Lords Commissioners for Trade and Plantations any farther until I know their pleasure, but this I beg to add that this Gentleman, M^r Waldo is one of D^r Cooks Violent ones, has raised a large subscription & undertaken by boasted interest to carry the point in favour of the claims.

There is one difficulty attending Mr Waldo's Agency for the Mast contract, where in the Royal Lycence directed to me for the contractors Cutting the Masts he is expresly forbid cutting one tree until viewed by me or my Deputys, and as several gangs of men are imployed to search the woods for those trees, who carry many days provisions with them and live in the woods, they will loose much time if they are obliged to wait to have them viewed; if my Deputys and I should do nothing more than attend them, we can onely attend so many gangs, and yet there is an absolute Necessity for it, as long as those people are allowed to be concerned in Saw Mills, and I am moreover Commanded not to permit them to Cutt more, nor any other trees than are necessary to Compleate their contract, I will endeavour to discharge my duty as far as possible yet I fear if I keep up to the letter of the order there would be disappointment this Season in providing loadings for the Mast ships, and then the service may be disappointed, and I may be therefore complain'd of; If the winter holds open much longer without Snow as hitherto they can do nothing but cutt down, for without snow falls in this Country it is soon crusted so hard as to bear carriages of any weight. I humbly beg directions how to behave that I may not have any blame at home.

as I was writing Mr Waldo came to me to desire I would give directions to Mr Slade, one of my Deputys to advise and assist in converting Oak, plank and Timber for the use of the Royal Navy, according to the desire of the Navy Board, and I have accordingly done so.

He tells me at the same time that M. Westbrook is unwilling to enter upon farther contracting with him, as apprehending that the Indulgence given by me to the loggers will put him under difficultys to find Masts, w^{ch} I think is a forced construction on it, I asked him whether the people were to be totally restrained from cutting any trees, and what Method

he would advise and propose to keep them wthin bounds, for that as I had no view but to study y^e Kings Service, I would gladly be informed how I might best do it; he would have me to order that all the people belonging to the Saw Mills, which he says are about 150 in Number & 15 or 20 men to each Mill should give me an Account of the Number of the trees intended to be Cutt for each Mill, and the places where, and that then my Deputys should goe into those parts & Mark such trees as should be cutt, and no others; this Method in my humble opinion would be impracticable, and seems to me onely intended to make me uneasy, and if as he would have noe Saw Mills worked but his own, he may impose upon his principal, M^r Gulston by such pretences and if he should offer any Complaints upon that head, the King will be no Sufferer, when I affirm that I can have the Contract undertaken by men of Substance here at 10^l per et cheaper, and by such as have allways distinguished themselves in favour of what has been recommended hither from y^e Crown, this Gentlemen cannot boast to be of that Number and is remarkable for giving all the trouble he can wherever he has any concern this is his common character, and is what I should have no occasion to mention but to give an Idea of him in case he should attempt any Complaint.

Thus much I have wrote to the Lords of the Admiralty and acquainted their Lordships that Captain Marwood Having done me the Honour to Call on me, I read their letter to him, all w^{ch} he would have attested but y^t it might be thought officious in him, he knows I could have sayd more aggravating things of Mr. Waldo's usage of me, I Hope what I have sayd will be sufficient to prove that I have no View but to discharge my duty which must occasion Murmurings and Complaints from ungovernable people who would be under no Controul, and who never will behave as English Subjects until this Country is under another form of Government.

I this day received a letter from the Indian Chiefs of the Penobscot tribe signed by their Leiv^t Governor or Vice King who was not at Fredericksburg with me, and by Loron the Ambassador they had dispatched to Canada to know the french Governours Opinion of the New Settlement, I send the Original now to my Lord Duke of Newcastle, and herewith I send you a Copy ; the french Governour advised them to live well with the English, this will satisfye every body that the settlement will onely be attended with fateague w^{ch} I am willing to undergo until his Majesty pleases to appoint another, but I cannot appear there again until I have powers w^{ch} should be here in March if possible, and they should be such (with Submission) as to enable me to inform a Majestracy and Militia. I humbly beg leave to recommend this to my Lords Commissioners consideration, and that any Artillery, small arms pioneers tools and ammunition may be dispatched at the same time, likewise a Seal for the New Province.

Pray Sir lay this before My Lords with My humble duty, and do me the favour to signifye their Lordships pleasure to me. I am with much respect, Sir Your Most Humble and Obedient Servant

David Dunbar

Gov^r Belcher to the Lords Commissioners for Trade and Plantations.

My Lords,

Since I had the honour of Writing you last I have met the Assembly of this Province, and after recommending to them what I thought Needfull for his Majesty's honour and Service and their Own good, and in a more Especial Manner pressing upon them his Majesty's 27: Instruction

for fixing a Salary on me & my Successors I Waited on them in a Session of Eighteen days and finding they would come to No Amendment on the bill they had past before I dissolv'd them and now I Inclose Your Lordships a Journal of the proceedings at this Short Session — I have Issu'd Writts for a New Assembly to meet the 10: of Next Month, and hope there will be such a Change as may best of all advance his Majesty's honour & Service, to do Which nothing in my power shall be wanting. But should it be Otherwise I think I have done but my duty to the King in dissolving the late Assembly.

I have already Acquainted Your Lordships of the death of the late Lieutth Gov^r of New Hampshire, and that I think Henry Sherburn Esq^{re} one of His Majesty's Council there would be a proper Person to Succeed Him, and I should Esteem your Lordships favour to Him in this Matter. The 24: of last Month I reciev'd from His Grace the Duke of Newcastle, His Majesty's Additional Instruction dated at Windsor 26: Sept^r last being for the better preservation of His Majesty's Woods in Conformity whereto I Issu'd a Proclamation in this Province and ordered Another in New Hampshire, One of the proclamations is now Inclosed to Your Lordships. I have since reciev'd from Coll^o Dunbar Surveyor General of His Majesty's Woods, His Majesty's Order in Council Dated at S^t James^s 12: Nov^r last mentioning A representation laid before His Majesty in Council That I was preparing a Military Expedition Against Fredericks Fort formerly Call'd Pemaquid In this representation, My Lords, there is not the Shadow of Truth, Nor did I Ever make the least Attempt or preparation of that Nature: Yet I am not at all Surpris'd that Coll^o Dunbar had the Folly and Confidence as well as Malice to make such a representation against me ~ Because I am lately told he has Wrote many Other palpable falshoods Against me to do me all the

hurt in his power, but if he would Confine Himself to truth I should not give myself much trouble about Him. By this Conveyance I send to be laid before His Grace the Duke of New Castle a number of Papers relating to a Notorious Riott Committed by some People belonging to Frederick's Fort on some of his Majesty's Subjects in this Province ~ As also an Account of what I directed his Majesty's Lieutth Gov^r of this Province to do at Pemaquid, upon a Visitation I ordered him to make to all the fortifications of this Province, In Obedience to his Majesty's Royal Instruction to me for that End.

These things, My Lords, are the whole of what I have Ever done respecting Frederick's Fort or the Fort formerly call'd Pemaquid. And how was it possible for me, My Lords to do less? I inclose Your Lordships a Memorial I deliver'd into his Majesty's Secretary of State the 15: May last in Answer to which I should have been Very glad of some Orders or Directions for my Conduct, but Never reciev'd a Word of Answer till His Majesty's order in Council of 12: Nov^r last. According to the Clause of the Charter Cited in my Memorial these lands My Lords are doubtless a Part of this Province, & Agreeable thereto your Lordships will find in His Majesty's Commission to me for this Government these Words ~ "And the lands lying between the said Territory of Nova Scotia, and the Province of Main" And another Clause Your Lordships will find in the Royal Commission to me ~ "And for your better guidance "and direction We do hereby require and Command You to "do and Execute all things in due Manner that shall belong "unto the Trust We have repos'd in you According to the "Severall Powers and Authorities mentioned in the said "Charter, and in these presents, & such further powers, "Instructions and Authorities as You shall recieve or which "shall at any time hereafter be granted or Appointed you under

“our Sign, Manual, and Signet, or by our Order in our privy
“council in pursuance of the said Charter and According to
“such reasonable Laws and Statutes as are now in force or
“which hereafter shall be made and Agreed upon in such man-
“ner & Form, or by the said Charter is directed,” By what I
have Cited, My Lords, out of the Royal Charter & His
Majesty’s Royal Commission to me I Concieve it appears
that these Lands are Included in both And His Majesty is
pleased to make the Charter by his Commission a great Rule
of my Government How dare I then disobey His Majesty
or betray the Trust he has repos’d in me by refusing a legal
protection to his good Subjects, when they apply to me.
These Rioters, My Lords, have been Since legally Convicted
in his Majesty’s Courts, and must doubtless undergo the
penalties of the Law for such a breach of His Majesty’s
Peace, and so Notorious An Assault and Riott Committed
upon the property and Liberty of his Majesty’s good Sub-
jects. I am here, my Lords, his Majesty’s Gov^r to see a
good Execution of all his wholesome Laws for the Safety of
his Subjects under my Care in their lives and Estates, and
to this End I will Endeavor Carefully to Use the power the
King has delegated to me in his Royal Commission. The
Papers I have sent to his Grace the Duke of New Castle
Will make appear what Orders I gave to the Lieu^{ut} Gov^r and
the Other Gent^l that Went with Him, respecting Pemaquid
Coll^o Dunbar must found His representation Either upon
the Matter of the Riott, or the Visitation I ordered to be
made of the King’s fortifications in this Province, and sure
then Nothing Can Appear more false than his Saying I was
preparing a Military Expedition against Frederick’s Fort
formerly Called the Fort of Pemaquid. Nor have I Ever
done any thing of that kind or Nature, Nor has Any thing
like it Ever Enter’d into my thoughts. It is also false in
Him to say, No private persons have hitherto set up any

Claim on those lands, Because there have been a great many Claims made, and are made daily, and the people that Claim think they have a just Right (thô not by Any Grant of this Province) And one of the Men whom Coll^l Dunbars People Riotted and Assaulted has a Claim there descended down to Him for 105 Years past as may be seen in his Complaint against those Notorious Riotters. My Lords, Every Man's private property &c. &c.

I am with great Esteem, and respect, My Lords Y^r Lordships Most Obedient and Most Humble Servant

J Belcher

Boston Janua: 13: 1730

Reced 23^d Feb^{ry}
Read 9th June 1731 } 1730/1

Reced wth Mr Belchers L^r of 13 Jan^{ry} 1730/1

Reced 23^d Feb^{ry}
Read } 1730/1

Gov^r Belcher's Memorial

The Memorial of Jonathan Belcher Esq^r His Majesty's Governour of the Province of the Massachusetts Bay in New England.

Humbly Sheweth

That he hath lately received Accounts from New England that Col^o Dunbar Surveyor of Your Majesty's Lands and Woods in North America hath made Settlements on certain Lands lying between the River of Sagadahoc and the Gulph of S^t Lawrence,— which Lands Your Majesties province of the Massachusetts Bay apprehend to be part of

the Lands of that province and not to be Alienated but by Grant from them according to the Royal Charter granted them by the late King William and Queen Mary of Glorious Memory, being in the words following Vis^t "Provided also "that it may be lawful for the Governour and General "Assembly to make or pass any Grant of Lands within the "bounds of the Colonies formerly called the Colonies of the "Massachusetts Bay New Plimouth and province of Main "in Such manner as heretofore they might have done by virtue of any former Charter or Letters Patent; Which "Grants of Lands within the bounds aforesaid We do "hereby Will and Ordain to be and continue forever of full force and Effect without Our further Approbation of Consent, And so as Nevertheless and it is Our Will and pleasure that no Grant or Grants of any Lands lying or Extending from the River of Sagadehock to the Gulph of S^t Lawrence and to the Main Sea Northward and Eastward to be made or past by the Governour and General Assembly of Our said Province be of any force validity or Effect until we our heirs and Successors shall have Signified Our or their Approbation of the Same.

And Whereas many disputes have already arisen between the said Col^o Dunbar and Your Majesties Subjects there upon this Occasion, and Your Memorialists expecting greater difficulties still to Arrise upon his Arrival in the Government, thinks it his Duty humbly to pray for Your Majesties plenary Instructions how to Conduct himself in this Affair, and that the said Col^o Dunbar may in the mean time be directed to withdraw from those Lands, and forbear any further proceedings, till the Right be fully Settled and determined, and Your Majesties further pleasure be known therein

I am Your Majesties Most Dutiful & Obed^t

Subject and Servant

May 15th 1730.

J Belcher

Colonel Dunbar to the Duke of Newcastle.

Boston, New England December y^e 30th

1729

My Lord

Haveing had the honour of writeing a long ~ letter to your Grace on the 10th instant, I w^d not now trouble you again but for a euriosity to send an Original letter w^{ch} I have received from some Chiefs of the tribe of Penobscott, One of them Espiquet is the Vice King and esteemed the most Sensible man among them, Loren was sent as Ambassadour to Cannada to consult the french Governour how to behave towards the New Settlement, and it may be a Satisfaction to Your Grace that we are under no apprehensions from them, the interpreter, Mr Gyles was a Captive among the Indians from his childhood, and now belongs to a truck house at S^t Georges River ten leagues Eastward & farther along shore in Georgia than Fredericksburg, so that from Kennebeck River to S^t Georges is about 50 Miles, enough to be settled until I am better Acquainted with the Indians, and doubt not to go as Much farther by fair means as shall be desired, I cannot well appear there again until I receive Powers to form a Majestray and Militia, with which I humbly hope his Majesty will order some arms & Amunition to be dispatched as Early as may be, I Have wrote at large upon this Subject to

The Lord D. of Newcastle

to My Lords Commissioners for Trade and Plantations, and would to your Grace but that I fear being too troublesome, I beg only to add that if this new Settlement be not prevented by the Malicious pretensions and claims made by the inhabitants of this Province of the Masachusets, who neither would improve the lands themselves, nor lett others do it, I dare answer that in very few years it will be found of more use to England than those same people who now endeavour

to Obstruct it to w^{ch} end there now goes to England one M^r Waldoe as Sollicitor for the claimants, he is one in Company with the noted D^r Cook who claims 30 miles square and is equally undeserveing his Majestys favour.

I am under the greatest Anxiety until I Have the Honour to receive your Graces Commands and know his Majestyes pleasure relateing to this Collony, people are Crowding to it so that Early in the Spring there will be a great concourse

I am with all possible duty and respect

Your Grace's Most Humble and most
Obedient Servant

David Dunbar

R Febr^y 13

Petition of J. Wellington & others to Governor Shute.

May it Please yo^r Excellency

In as much as sundry the Proprietors of the Town of Scarborough are disposed to resettle there in the Spring; but not willing to attempt any thing of that nature wth out first making application to your Excellency We have sent the bearer on purpose, humbly praying that your Excellency and Councill would please to countenance and direct therein for a more regylar settlem^t. We being to the Number of between 30 and 40.

By the same Messenger we have sent to Wm Burrige of Watertown, who was formerly the Keeper of the Records; If in case he may refuse to deliver or bring them, wee pray your Excellencys favour therein; that our proceedings may be more agreeable unto y^e whole.

With all due respects, We remaine S^r

Yo^r Excellency's most humble and most obd't Ser^{ts}

J: Wentworth, Geo: Vaughan: Sam^l Penhallow
W^m Cotton.

At a leagal town meeting held the: 4: of May 1730 Voted that Col^{ne} Thomas Westbrook, M^r John Tyng, Moses Pearson, Thomas Haskell, Henry Wheeler, John Coy and John East Bee a Com^t to take a list of those Persons that Clame an interest in the Common and undivided lands in the township of falmouth And make their Return theirot at the next meeting.

Voted that M^r John East and M^r John Tyng shall bee Agents to make answer to the Peticion Exhibited against the town at the Generall Cort

A treu Copy of the Above votes

Attest Moses Pearson town Clerk.

At a leagal town meeting held in falmouth May the: 11: 1730 Wee the Com^t Chosen at a leagal town meeting in falmouth may the: 4: 1730 to make Report to this Meeting who wee are of opinion fullfild the Condition of their admitance to the Rights through the Commons: Wee are of opinion that the Persons whose names are under writen have fullfild the Condition of their admitance and theirby are Becom Intitled to their rights through the Common lands according to the votes of the town of falmouth, Sam^l Moody Esq^r Thomas Smith Dominicus Jordan, Beniman Learreby, Benjman York John Sawyer, Benj^m Ingersell, Isaac Sawyer, Joseph Pride, Peter Walton, Thomas Woodbery, John Perrey, Richard Coller, Gideon Lowell, Thomas Thoms, Sam^l Prockter, Jacob Adams, Thomas Millit, John Coy, Thomas Haskill, Henry Wheeler, Jeremiah Riggs, Sam^l Cobb, John Coks, John Mariner, Natheniel Jordan, Joseph Cobb, Jonathan Cobb, John Armstrong, Jacob Sawyer, Ebenezer Hall, Richard Babson, James Dowty, John Bayley, Joshuay Woodbercy, John Millit, Sam^l Stone Timothy Woster, Robert Thordick, Philip Hodskins, Joseph Bayley, Robert Bayley, John White, Stephen Rendal, James Measlin, Joseph Connant, James Brickett, Thomas Mosley, William Davis, Jams Irish,

Wi^{ll} Gillos, Wi^{ll} Gimerson, Ebenezer Roberts, Robert Mains, John Doleuer, Andrew Simonton, Moses Pearson, William Elwell, John Clark, John Graves, Moses Goold, Gorge Clark, Sam^l Stapell, Benj^m Blackston, Jams Bukston, Josiah Sanford, John Sawyer: Ju^{nr}, Jams Simson, Simon Armstrong, John Brown, Joseph Wesson, Jams Weebstor, Thomas Hoopper, Joshuay Bracket, Benjman Skiling, Will^m Jacobs John Wass, William White, Steph Plumer, Ebenezer Allin, John East, John Prichard, Mathew Scales, John Danford, Mark Rownds, Adam Marriner, Simon Lovit, Jams Crocker, David Gustin, John Barbor, Ebenezer Gustin:

Wee are of opinion that such as can make it apear to the proprietors of falmoth by two Evidences that thay or their fathers or thay whome thay lawfully Represent were settlers in the Ancient settlement under governer Danforth, have a Right to the Common and undivided lands Eaquel with others Admitted by the town of falmouth that now is: Excepting such as have com in alredey and taken a right with the town that now is / and as many more that have Been admitted to the Rights through the town as Shall fullfill the Condition of their admitane within y^e eight months set By the town: John Tyng, John Coy, Thomas Haskil, Henry Wheler, Moses Pearson Com^t

dated falmouth May: 11: 1730:

Voted that the Report of the Com^t Be Accepted and All the Persons names in the Report Aforementioned are proprietors of the common and undivided land in the township of falmouth.

A treu Copy take out of the town Book of Records for falmouth

Atte^s Moses Pearson town Clerk

Thomas Westbrook Esq^{re} to Colonel Dunbar.

Scarborough Feb^{ry} 23th 1730/29

Sr

Your Brother is just come from Falmouth and we haveing a flying storry that you are dead which surpriseth us very much though we have no reason to beleive it because your Brother have no part of it. Therefore I trust this will find you in good health. Your Brother came down in the nick of time for to preserve the timber at Saco falls which I inform you of when I was at Boston. Saving some trees which was cut about two Months afore we got there and just as we got there there was six teams going up in the road and some of them had just begun to fall and had fallen ten or eleven trees which your Brother mark't and have taken a great deal of pains to preserve the Kings timber which I doubt not will have a good effect on the people in hast I am
S^r

Your most Obedient Ser^t att Command

Tho Westbrook

The Duke of Newcastle to the Lords Commiss^{rs} for Trade and Plantations.

Whitehall March 7th 1729/30.

My Lords,

I send your Lord^{ps} herewith, by His Majesty's Command, Copys of two Letters which I have received from Col^o Dunbar Surveyor of His Majesty's Woods in America, giving an Account of the progress he has made in forming the New Settlement between Nova Scotia and New England, and of what he thinks is still necessary to enable him to carry on that Undertaking with Success; I likewise add an

Extract of a Letter from M^r Dummer Lieu^t Governor of New England to me inclosing Copys of several Letters that have passed between him & M^r Dunbar relating to this New Settlement; and as M^r Dunbar has written to your Lord^{ps} upon the same Subject, His Majesty would have you take the whole into Your Consideration; and report the State of the several matters therein mentioned, with your Opinion what further Directions are proper to be sent to M^r Dunbar upon them.

I also inclose a Copy of a Letter that I have received from M^r Bradley His Majesty's Attorney General at New York, with a Memorial of the Governor & Council there in his behalf, and a Representation to your Lord^{ps} of several irregular proceedings of the Gen^l Assembly of that Province, and of other matters which, he apprehends it is of importance to His Majesty's Service should be speedily considered by yo^r Lord^{ps}, upon which you will please to let me have your Opinion to be laid before His Majesty.

I likewise send your Lord^{ps} a Copy of a Letter I have received from Col^o Philips dated at Annapolis Royal the 25th of November last; You will please to Consider the several Matters contained in it, particularly what relates to giving new Grants of Land to the Inhabitants of that Colony, the Proposals made to him for a Settlement of French Protestants there, & the necessity of his having a Vessel constantly kept to attend him in his Progresses from one part of his Government to another which by reason of the Situation of the Country must be made by Sea.

I am

My Lords Your Lord^{ps}

most obedient humble servant

Holles Newcastle.

Rec^d March 7th 1729/30

Read Sep^r 2: 1730

*Westmoreland & Others to Duke of Newcastle*Whitehall March 5th 1730/1.

My Lord,

We have received your Grace's Letter of the 27th past, with the several Papers you was pleased to inclose in it, relating to the Disputes between M^r Belcher and Col^o Dunbar, which came to your Grace's hands, after we had taken the liberty to beg, your Grace would be pleased to intercede with his Majesty, for the Commⁿ of Lieu^t Gov^r of N. Hampshire for Col^o Dunbar; And as your Grace is desirous to know, whether we still continue in the same Opinion, with relation to Col^o Dunbar, we take leave to acquaint you, that we do not find any thing in the Papers your Grace has sent us that should incline us to alter our Sentiments upon this Subject, for notwithstanding M^r Belcher does in his Letter deny that he ever had any Intention to march with an armed Force in order to demolish the Fort of Pemaquid and carry away the People prisoners from thence, Yet he does not deny that he ever told Col^o Dunbar that some Members of the Assembly had such an Intention, And he does likewise acknowledge that the Sheriff of York County did march thither with his Posse about that time, tho upon a different Occasion which might very justly give Col^o Dunbar Reason to be alarmed, and he certainly would have been wanting in his Duty to the King if in that Situation, he had not applied to his Majesty for an Order to prevent Hostilities till such time at least, as his Mat^y^s Title to that Tract of Land should be determined

It is not to be doubted but that Col^o Dunbar's Office of Surveyor of the Woods, as well as his Instru^{ns} for settling the Lands between Kennebeck and S^t Croix must have rais'd him many Enemies in the Massachusets Bay where it is but too Evident that every Man who does his Duty to the Crown makes himself liable to the Illwill of ye People, and

therefore stands in need of all the Support the Governm^t can give him from hence, for which Reason it was that we first beg'd your Grace's Favour on his behalf, and for the same Reason we now take the Liberty to repeat that request as apprehending that the Employment of Lieu^{ts} Gov^{rs} of New Hampshire may give him a little more Credit and Authority than he is at present Possessed of

We are, My Lord, Your Grace's

Most Obedient & Most humble Serv^{ts}

Westmoreland.

P. Doeminiue.

M: Bladen.

E. Ashe.

O. Bridgeman.

March 5th 1730/1

End^d K: Folio 402.

*Narative of the People of Londonderry concerning their
Boundaries.*

Honb^{le} S^r

You having been So kinde as to Prefere the Petition which Sund^{ry} the Inhabitants of this Town in behalf of the Rest Sent you in order to be Laid before His Majest^{ty} and Are Still so good as to offer us your Friendship and Assistance to help us out of the Difficulty we now are Under with respect to the Line between the Town of Haverhill & this Town of Londonderry—And that we make your Hon^r Sensable of the Hardships & Difficultys we have been in and Still Labour under we beg leave to make you this short Narrative—

At our first Arrivall in New Engl^d althó we came in Severall Vessells & Landed in Various parte's of this Country

yet as soon as we had surmounted the difficulties of Our passages which were many & great we Assembled ourselves & petitioned the Gov^t & Councill of New Hamp^r for a Tract of Land Laying to the North West of Haverhill which Town of Haverill is govern'd by the Massachusetts Governm^t and after the consideration of Gov^r Shute then Gov^r of Both New Hamp^r & the Massachusetts he & the Councill there granted us a Township of Ten Miles Square at the afores^d Place upon which we run out our Town Bounds & Laid out our first Divisions & with great Expense and Danger being in the Time of the Indian war we cleared great parte of our s^d first divition & had Enjoyed the Same for Seven years & Laid out all our substance by building & Improving thereon before Haverhill Town clamed the Same Yet soit is that the Inhabitants of s^d Haverhill made great Inroads upon us & Dayly are carrying our people from their Houses & Labour, Cross the river Marrimaack to fourtes far distant in that Gov^t & Imprison Judge & Load them with Excessive Charges which besides the Loss of Improvement hath Cost many hundred Pounds. & are dayly perpetrating the Same things We could bear the many scandalous & unjust refec-tions which they cast upon us by saying we are romans & not good Subjects to his present Majesty being well assured your Hon^r well knows to the Contrary haveing many of us Resolutely opposed both while in our own Country Wittness the Trubles in Ireland at the Comeing in of King William of Blessed memory, our Present Minister & Severall of our People being at the Seige of Derry & had no small shear in that Glorious Defence of Our religion & Country now S^r all that we ask y^r Assistance in is that you would Use your Intrest Some how or other to obtain Peace for us at once that at Length we may Enjoy the only thing we have Sought Since we came here which we Imagine can be don No Other way than by geting the Line Settled between the two Gov-ernm^{ts} of the Massachusetts and New Hamp^r

Dated at Londonderry March y^e 17th 1729/30

| | |
|-----------------|----------------------|
| James McKeen | John Macmurphy Clerk |
| James Reed | John Carnot |
| David Morison | John Archbald |
| William Cochran | James Nesmith |
| James Leslie | John Gregg |
| Matthew Reed | James Moor |
| John Richay | Abraham Holms |

In the name of the Rest of y^e Proprietors of Londonderry.

Reced June 5th }
Read } 1730

*Order of Committee of Council Referring the Petition of Waldo
and others to the Board of Trade.*

At the Council Chamber Whitehall the 15th day of Aprill
1730.

By the Right Hoⁿable the Lords of the Committee for
hearing Appeals Complaints &c: from the Plantations.
Whereas His Majesty hath been pleased to referr unto this
Committee the humble Petition of Samuel Waldo of Boston
in His Majestys Province of the Massachusetts Bay Mer-
chant, for and on behalf of Elisha Cooke Nathaniel Hubbard
Esq^{rs} and severall others all of New England in America,
Setting forth that they hold by Grant from the Crown and
by Purchase from the Natives a Tract of Land in New
England upon which they have Erected Blockhouses and
severall other Buildings and had begun to make many other
Improvements and Settlements, but were prevented from
pursueing the same by the Indian Warr That a Peace having
been lately concluded with the Indians the Petitioners had
gott a Minister and One Hundred and twenty Familys
ready to go and Settle one of their intended Towns When to
their great Surprise they were interrupted therein by David
Dunbar Esq^r Surveyor Generall of His Majestys Woods
in America, who would not permitt them to carry on their

Settlements upon any other terms but their taking Grants from him. That in regard they have a clear title already to the said Lands and have been at a very great Expense thereon They humbly pray that His Majesty would be pleased to send the necessary Orders to the said David Dunbar not to intermeddle with the said Tract of Land or to interrupt or Disturb the Petitioners in Carrying on their Settlements. The Lords of the Committee are thereupon pleased to order that the said Petition (a Copy whereof is hereunto annexed) Be and it is hereby Referred to the Lords Commissioners for Trade and Plantations to Examine into the severall Facts therein Contained, and Report their Opinion thereupon to this Committee

W Cary

Recd April 25 : }
Read June 19 : } 1730

Deposition of Thos. Pickenden ↘

London

Thomas Pickenden of romansgate in the County of Kent Commander of the Ship New Hampshire lately Arrived in this Kingdom from Falmouth in Casco Bay in the Eastern parts of New England Laden with Masts &c^a for His Majesty's Service Declareth and Saith while he was at Falmouth aforesaid, he met with one of a Sloop or Scooner which had been to some part of the Eastern Country at or near a place called Pemmaquid where Coll^o Dunbar was about making Settlements, to take aboard a small parcell of Staves to the Quantity of about Three or four Thousand, which they had either bought or was by them to be taken aboard on Freight, which design the Sloopmen as the Person aforesaid Inform'd this Deponent were prevented from putting in Execution by the Seizing & forcibly taking away of Said Sloop & Materials by some of the People Coll^o Dunbar had sent into that part of the Country, One of w^{ch} pretended or said to be his Lieu-

tenant, without any other pretence than that of the Intent of the Master & Crew of said Vessel to take on board said Staves, which sloop this Deponent was Informed by the person aforesaid they Stript, unbent her Sails, put them into the Fort by Compulsion and not by a proceeding in Law, and refused to Deliver back the possession of said Sloop & Stores to the Master, the Captors threatning y^e Master of said Sloop that in Case he made any opposition they wou'd immediately shoot him which oblig'd him as this Deponent was informed by one of the Sloops Crew to leave his Sloop in their hands and proceed for Boston in the Province of the Massachusetts Bay for Justice, Whither he accordingly went and Apply'd himself to the Governour of that Province who taking the affair into his Consideration Order'd the Justices of the County of York in the Province of Maine to Assemble and take such Measures as they thought best - The place the said Justices were summon'd to meet at was the Town of York in the County and province aforesaid. The Deponent being on a journey from Casco Bay to New Hampshire to Clear his Ship at the Custom House there sometime in y^e Month of September being Acquainted with Coll^o John Wheelwright One of His Majestys Justices living at Wells in the County aforesaid, called at his House who inform'd this Deponent of what happen'd to the aforesaid Sloop at or near Pemmaquid and also of an Order of the Governour that the Justices shou'd assemble on that occasion at the Town of York, which being in this Deponents way to New Hampshire and Coll^o Wheelwright ready to proceed he had the Opportunity of going with him to York, on which Journey said Coll^o Wheelwright met with a letter deliver'd him either by a Messenger sent with the same or a Traveller, which said Coll^o Wheelwright Inform'd this Deponent was from the Secretary of the Massechusetts Province by the Governour's Order pressing him to Excite the Justices to a Speedy Resolution on the affair. This Deponent from York

proceeded to New Hampshire where after having dispatch his Business he returns for York where he saw the Sherriff of the County Major Moulton who was Order'd by a full Bench of Justices with a Company of Men to protect him from Insults, to proceed to the Eastward and Summons or take into Custody the said Coll^o Dunbar's Lieutenant, in Effecting which if he met with opposition the said Sherriff was to make his Report and wait for further Orders this Information of the Order of the Governour and the resolution of the Justices was Confirm'd to him by the afores^d Sherriff Moulton and one Major Hammond another of the Bench of Justices — from York this Deponent proceeded for Falmouth, in Casco Bay where this Deponent further Says that a little time before he sail'd from thence which was on the Eighth day of October last the Aforesaid sherriff of York with some men under his Command on board a Sloop bound for Pemmaquid put in by Contrary Winds to Casco Bay and that by the best Information he could gitt both from the Sherriff, and the aforesaid Justices he was Assur'd there was not any Intent, resolution or Order given to Drive off the People which Coll^o Dunbarr had Settled or was about to Settle there and that those People had given out they would be the death of Sherriff Moulton if he came to Pemmaquid or to their Settlement, and further this Deponent Saith not.

Jurat 19 die Janr̃y

Tho^s Pickenden

1730 Coram W^m Billers

Recd 27th }
Read 28th } Janr̃y 1730/1

Petition of the Inhabitants of Londonderry.

To the Hon^{ble} Coll: Dunbar

The Humble Petition of the under Subscribers.

Humbly Sheweth that y^e Petitioners Inhabitants of London-

derry in Newhampshire originally from north Britain but Last from Ireland some time in the year 1728 sent a Memorial to y^r Hon^r when in England together with another to be preferred by your Hon^r to His Majesty for a certain tract of Land in Nova Scotia and y^r Petitioners are Credibly informed y^t y^r Hon^r is Impowered to Lay out the same for y^r Petitioners use.

Wherefore we humbly Supplicate y^r Hon^r to grant us such tract of Land as you shall judge proper for us on Damascota River a near y^e Town of Fredericksburg as possible and please to allow us some Respite of time to settle the same Because y^r Petitioners cannot dispose of our freeholds in Londonderry at present without great Loss for we are as we presume is known to y^r Hon^r perplexed with vexatious Lawsuits by the Inerochments of y^e Massachusets and y^r Petitioners being about twenty four as in duty bound shall ever pray

| | |
|----------------------------|------------------------|
| Jo ⁿ Wallace | James Gregg |
| John Archbald | James Rodgers |
| Mathew Kid | John McNeill |
| Rob ^t Adams | James Reid |
| Thomas Mace | Rob ^t Frost |
| Arch. Clark | Alexander Reid |
| Ma ^{tt} Clark | David Calgik |
| David McGregor | James Clark |
| Alex ^r McGregor | William Gregg |
| Jas Nesmith | Sam ^l Greg |
| Jas Moore | Jo ⁿ Gregg |
| Robert Campbell | Thos. Gregg |
| Ja ^s Gilmor | Jo ⁿ Carnot |
| Ja ^s Clark | |

Rec^d June 5th } 1730
Read

Colonel Dunbar to Mr Secretary Popple.

Boston N. E. May y^e 25th 1730 ↘

Sir

As I have not had the Honour of one line from any of the Offices I have reason to fear that all y^t I have wrote are either miscarried or disapproved, w^{ch} is a great trouble & discouragement to me, I did not intend writing until the Arrival of the Kings ship expected on this Station, but that p the Mast ship lately arriv'd at Casco bay, there are letters from Mr Waldo to his Correspondents that he has prevailed at home to put a stop to the Settling y^e new Collony until further orders, and until his Majesty's title to these lands is heard and Determined, w^{ch} I allways apprehended was done before his late Majesty in Council some years agoe, I have Seen a printed state of the proceedings thereupon with an Opinion signed by D^r Pinfold of Doctors Commons, Capt Coram was one of the petitioners who proved the Kings right, and then all the present Claims lay Dormant, as they did in 1663 when the tract of Lands now in dispute was granted by Patent to y^e Duke of York, it was never worth their while to Settle till now they apprehended y^t his Maj^{ty} was inclined to do it, and if the claims are Allowed I will Pawn my life it will never be settled, it is impossible I can say more upon the Subject than I have in my letters to y^e Offices from the beginning, I Have wrote a long letter to Capt. Laborde which he will shew you and lay before my Lords Commissioners for Trade and plantations it is in answer to a letter I received from him, and in mine I have sett forth how much I am incumberd by my mistaken Zeal to do a Publique Service w^{ch} I flatterd my self would recommend me to y^e King & Ministry, I have beg'd my Lords Commissioners favour y^t I may be Extricated from this great dilemma thô even at the expence of my employments, & I now again intreat the same, the dayly opposition, and ill

usage I meet with for doing my duty is not to be Creditted, and y^e famous Doctor Cook at the Head of all, even to the pleading of all their Causes in the Admiralty Courts; I shall send you the proceedings of some of them, from w^{ch} I have appealed, and will send my reasons for so doing with the Opinions of the Kings Advocate & Attorney General, and hope the appeals will be prosecuted at home, for w^{ch} I have been forced to enter into Securitys; the Judge is Superannuated, & either very ignorant, or partial to y^e Country, or both, the proceedings and decrees will prove it.

On Saturday last I received a notification w^{ch} I here inclose to you, I went accordingly & heard a paper read by way of Affidavit of Dr. Cook and others to w^{ch} I made some Objections w^{ch} they owned were right, and Yet they would not be at the trouble of writeing it over again to Correct it, but took it upon their tender consciences, the first Objection I made, was, that by their setting forth many Conditions to be performed by the grantees, one of w^{ch} was one penny p acre quitt rent to y^e Crown, I told them it looked like an insinuation y^t some other mony was to be understood for me, but they all denyed y^t any Such construction could be put upon those words; In the next place, they say that when I told them I woold represent y^e Nature of their Claims home I also told them y^t I woold have no regard to their Claims or pretentions, I made them Sensible y^t I sayd if his Majesty did not think fitt to allow their claims, I woold lett them choose such parts as they liked upon the Kings terms, every One y^t ever speaks to me Can't deny me this justice and that I never hinted or proposed one shilling to My Selfe, Allways saying I only wanted to do something extraordinary in makeing a flourishing strong Collony in a short time

Doctor Cook now says that I have hinderd him & others from settleing, it is wonderfull they never were induced to attempt it before, as is plain by the whole Country in a

Wilderness, wth out one house or hutt between the Island of Arrowsick in y^e river of Kennebeck and Georges River, where the Province of the Masachusets keep a truck house for y^e furr trade with the Indians & those two rivers are above forty Miles asunder, & there are not ten Acres of clear land about y^e truck house; nor any clear land or Settlement any where else; I Have done more this winter at Fredericksburg than ever was in y^e whole province, no part of even the Masachusets can shew so much clear land without some wood, & now most part of it under corn and gardens, it is a thousand pittys Such a Settlement should be baulked to please a Number of thankless people, who Act herein in pure Opposition to his Majesty, & not with any real designe to settle themselves there, but in my humble Opinion the Scope of land these people already possess is too extensive, & will containe more than enough for such Subjects as they are Notwithstanding Doctor Cook & the Gentlemen with him acknowledged what I sayd to be true, he told them that the words stood well, & there was noe need to alter the paper for them; if it be his Majestys pleasure that the Settlement should go on, I would humbly desire to be excused in being concerned as I understand is proposed, this I have mentioned at large to Capt Laborde to lay before My Lords Commissioners, with the distance & Inconveniences of applying to Coll^o Philips; there would not have been opposition to this New Settlement but that D^r Cook and M^r Waldo spirited up the claimants, & gave 'em Encouragm^t saying their interest at Court was not to be withstood, of w^{ch} they had a late instance, it is impossible to describe their behaviour since, thô now that they hear their own Governour is charged with y^e 23^d Article in Stronger terms than M^r Burnet was, they express themselves with great resentment & indencency towards him, Most of the people who have the claims sett no Vallue upon them and were

willing to take New titles under the Quit rent reserved, until Doct^r Cook & M^r Waldo sayd they would not give the King a farthing and undertook to Sollicit a Confirmation of y^e titles for one half to themselves, I beg it may be remembered y^t if the Claims are Allowed, all those lands will be private property before the year 1690, and there can be no reserve then for the Royal Navy, when I sayd thus to M^r Westbrook, the present undertaker for the Masts, he replyed the King might go into y^e bay of Fundy for 'em these & many such disrespectfull treatments of his Majesty does, I own so ruffle me that I am weary of my life, and any man y^t behaves any thing different from the Crowd, Stinks of the prerogative, this expression is Co^mmon with them, some of them lately upon the Arrival of ships from London, gave out for News, that the King & Queen were poysond, & y^t England was in Arms devided for the prince & Duke, late at night many families were waked & alarmed at this, the Attorney Generall has had the partys bound over, & is resolved to prosecute them, but he tells me he fears the punishment will not be corporal nor exceeding 20^s fine; the fines mentioned in the Acts of Parliam^t are Construed here to be this Currency w^{ch} is not 1-3 sterlg. I beg an explanation of y^t, thô I have no Occasion as yet, never haveing received one penny fine, but I doubt not to be decreed some upon my appeals home, the decrees here being directly Contrary to my Instructions & the Opinions of y^e Attorney and Sollicitor Gen^l of England, but when those are reversed then the partys will onely go to jail for a little time, & as I sayd in my former, not longer for a hundred trees than for one; I am more out of pocket upon the prosecutions than I can spare, and have no fund for it, I wish the Advocate & Attorney Gen^l were ordered to Attend all prosecutions, and to make their demands home thô if either of them was Judge of y^e Admiralty in lieu of M^r Byfield, the King would

have Justice here, & y^e fines might not only pay the charges but afford some small Sallary or travelling charges for them; My Lords Com̃ission^{rs} will be Surprised at proceedings, w^{ch} are now preparing for my sending home, by the Attorney and Advocate General, which I hope will be Convinceing y^t nobody ought to be a judge in these parts y^t either is a Native or interested in the woods or lands; the Man of War for this Station is dayly expected, & it is rumoured that M^r Belcher was stoped in England upon the Ministry being made Acquainted with his religion and principles, here is a Gentleman that heard him say lately in London, when a bible & Common prayer book was presented to him bound together, that he would take away the prayer book because it polluted y^e bible ~ the Kings friends here are pleased wth y^e hopes of a New Governour, and wish for Coll^o Burgess or some Man of Spirit to keep these stubborn people to their duty.

Pray my most humble Duty to my Lords Commissioners for Trade & plantations, please to lay this before their Lordships,

I am Sir

Your Most Humble & Obed^t Serv^t

David Dunbar

Here is a report y^t Coll^o

M^c Gomery is dead at

New York, but I cannot

find any grounds for it.

Rec^d 2^d July 1730 Read Oct^r y^e 28:

Colonel Dunbar to M^r Sec^{ry} Popple.

Boston August the 19th 1730

Sir

The Blandford Man of Warr arrived here the 8th instant with Governour Belcher who sent me Your letter of

the 7th of May with his Majestys instructions to me dated the 27th of Aprill; I will do all that man can do to be punctual in Obeying those instructions & the Commands of my Lords Commissioners for Trade and plantations,

As to the Instructions I Have already given Notice in Print as you may see by the inclosed, there being many hundred familys waiting the Arrival and publication of my instructions, if I had acquainted them that we are onely to begin at Penobscott and thence to S^t Croix, they would be so much discouraged that none of them woold Stirr, I must broach it to them by degrees as they come to me, I am in hopes that my Lords have, upon my letters of the 1st, 22^d, 25th of May and 16th of June, come to some more favourable resolutions relating to the Settlement, if for no other reasons but the distance & dangerous Navigation to cross the bay of Fundy, if My Lords would be pleased to Examine the Maps they would see the distance, besides the difficulty of keeping any Correspondence between a New Settlement without a boat, & Annapolis which has but 3 trading Sloops between it & Boston, there are times when not one Vessel passes between them in two or three months and generally 4 or 5 months in the Winter

If a Number of familys upon the notice I have given will offer themselves to go down, I will go with them, and do my best endeavours to settle them, the Vessels we must hire to carry us will leave us as soon as landed, then we must maintaine our ground or dye, and if we had a Sloop to send to Governour Philips he is now at Casco 150 leagues from Penobscott, and if he was at Annapolis I am much misinformed if he thinks he can Spare any of his Garrison to Assist us on y^e other side of the Bay, and I declare for my own part I would rather be enabled to make the Indians a few presents at first and continue them once a year than have troops to reduce them, I Had a sufficient proof of this

when I was but 37 days among them in Oct: and November last, when I entertained them with a Civility and friendship they had never seen before, and made them a few presents under 40£ sterlg—, out of my own pocket wth which, by my Eagerness to begin a flourishing Settlement at Pemaquid is now a greater Sum than I can Command, and must therefore goe down to Penobscot very poorly provided to pass the Winter there, If I call at Fredericksburg Fort which in obedience to my Lords Com^{rs} Orders I Have now called y^e first Settlement, with what face must I tell those who have layd out their mony there, that they are not to be Concerned with me who induced them thither? and with what remorse must I quitt all my Expences there? as for the Fort tho' but a dry shore wall with strong Palisadoes, I dare not take away the few ship guns and New Collours I planted and hoisted there, wthout orders, and I can purchase no other to carry with me, nor dare I do it Since it is declared under another Government, I wish & Earnestly beg my Lords would look over their own report of the 14th of May 1729, they would not be angry with me for calling y^e Country the Province of Georgia, tho I do not pretend or think that that report was an Authority to me, but as I thought the Erecting a distinct Gov^{rt} was past dispute, and I was willing to prevent the peoples disperseing as is mentioned in the said Report for a reason for laying out plotts of lands without loss of time.

It has happened pritty fortunate for me that by the Kings ship Mr Waldo has not given his friends any Account of his success, (if any,) in his Sollicitations about the Claims, Perhaps he has reserved it to be the Messenger himself, whenever it comes I shall be in no little danger of being Mobbed here, and his friends will have one advantage in forcing us towards the Enemy to be a frontier between them & the Indians, but yet I flatter myself that it is impossible the

claims he Solicits can be confirmed, for the reasons in my former letters;

In these Additional instructions his Majesty has Comanded me to lay out a 3^d hundred thousand acres of land between Penobscot & St Croix to be reserved as a Nursery for the Royal Navy I Have nothing to do but to Obey and I will Chearfully do it, but hope it will not give offence if I give an Account of what Informations I have from good Hands of that part of the Country as well as the more Eastern parts of Nova Scotia, on both sides of the Bay of Fundy, I Have now 2 Deputys one at Canso Attending Governour Philips, and another at Annapolis to lay out such lands as are proper there for the Royal Navy, if my informations can be depended upon the white pine trees there are not large, but heavy and Knotty, Our M^r Nelson an Antient Gentleman & relation of my Lord Cobham, has been many Years well acquainted on both sides the Bay of Fundy and all parts of Nova Scotia, he is disinterested in the representation and Assures me there are no white pines below S^t Georges River, fitt for large ships, but what are in one long vein far up S^t Johns River, w^{ch} has such falls that altho that river be much the largest in Nova Scotia, the Navigation is not practicable above one hour in each tide, Mr Waldo will no doubt represent the trees & rivers otherwise but if he was directed to send home one loading from thence he would not insist upon it; I Have made it very much my busyness to be informed of all Parts where white Pine trees grow to any Considerable Size, there are as large in Hudson's River near Albany, and all the way Navigable, as any where upon the Continent, but the Nature of those pines is Heavy, brittle and Knotty, I cannot tell my Lords that these Accounts are from my own knowledge and Observation, but from people who appear disinterested; and upon Connecticut River w^{ch} runs far into the Country and on the

back of New England allmost to joine Meremack River, there are innumerable Mast trees the same sort as in New Hampshire and Province of Maine, but there are so many falls between them and Navigable Water that it is thought impracticable to bring them down, however, as I mentioned in one of my former letters to you, I have given leave to two Men to make an Experiment this ensuing Winter, by throwing Masts into that River with the bark on, & they tell me they expect some to be saved, such will come cheap to the King because there will be little or no Expençe of Carriage; I will not fail to give an Account of y^e Success of this undertaking;

Upon the whole matter as it appears to me at present the chief Dependence must be about the Heads of piscatua river and About Casco in the Province of Maine, and to my certain Knowledge between Kennebeck and Pemaquid upon Navigable rivers, if the claimants of those lands do not prevent them being layd aside for his Majesty; it was then that I proposed to my self to reserve the one hundred thousand Acres when I thought there was to be a province of Georgia, and a distinct Governm^t, God knows my Aim as to my own advantage was but a feather in my Hatt, a Brevit Governour without Sallary or any Perquisites, and Since his Majesty and his Ministers have determined otherwise I Chearfully Submit, and impute it onely to my adverse fortune against which I begin to despair to struggle

I Had the Honour of a letter from M^r Birchet but not in Answer to anything that I wrote of the Woods or contractors Agent which greatly discourages me, as that Gentleman boasts of his friends and interest at the Admiralty and Navy office,

In your letter you onely acknowledge the receipt of mine of the 9th and 29th of December, If you did not receive one of the 3^d of February it has been taken up on this side, I

wrote at the same time to my Lord Duke of Newcastle and to my Lords of the Admiralty, in Each I mentioned the impossibility of my discharging the duty required of me without a small Vessel to goe along the Coast and up into the Navigable rivers, w^{ch} are many & large, and upon the Coast the weather is often very boisterous and so suddain that Vessels near comeing to an Anchor have frequently been forced off and blown to the West Indies, I did propose to undertake to build a small Sloop fitt for that Service for 200£ Sterlg, & to maintain it for so much p ann~ if the Service can be done without it or for less, I Submit to better Judges, I believe a charge upon the like Occasion from Canso far exceeded My proposal; I Humbly hope some Answer will be sent me to that point, If the Extent of the Countrys where I am required to serve be considered, I am persuaded it will be thought reasonable, it is a great Misfortune to be at soe great distance that many Months are lost in Answering letters, and when I remove to make the new Settlement the time will be longer; My Disbursements and incumbrances w^{ch} I formerly Mentioned in my letters in May last will I fear, disable me from doeing my duty as I would willingly, My Deputys, as well as myselfe find our Sallarys not sufficient to defray the Necessary expenses attending the duty, which is mostly in travelling all the year, our predecessors were allowed travelling charges, and we Hope we shall be considered; as for my Sallary I Solemnly declare I Have out of it, (besides paying my 4 Deputies His Majestys Allowance to them) been obliged to hire and pay some country men to watch and give information Against any transgressors, and to a Justice of Peace at times for travelling with us to protect us from the Insults of the people, it would be scarce credited how Vilely we have been Abused & threatened to be beat, and the Kings Officers are so hated here that if in his own defence upon ever soe

great a provocation he should kill one of these fellows he woold Assuredly be hanged, & this the very Country threaten when they insult and abuse^e us, I pray God send me farr from them & their Country, and hope in a little time after I have begun this Settlement to be relieved from the Station w^{ch} Obliges me to be so much in New England; I shall presume to make this petition to the Ministry to re^commend me to any other part of the World.

I am very proud of the Honour My Lords Com^{rs} are pleased to doe me in taking Notice of any poor Services I may chance to doe, I Hope their Lordships will be pleased at my remarks in my Letter of the 1st of May last, I am much Mistaken if it does not alarm them, I then told you how much the Iron tools made here exceed the English, I now send you samples of Each w^{ch} perhaps my Lords will order to be shewen to the Chief Manufacturers, in my opinion it would be worth while to bribe or buy two principal men here under whom all the good tools are made, one of them is a poor man and would Easily be persuaded to return to England.

Upon the Arrival of M^r Belcher the Country have made great rejoyceings, but I hear they are falling off and express a discontent at his lofty Carriage towards them, he has pro-rogued the General Court to the 9th of September, and nobody can say how he will Succeed in the fixing a Sallary. I Have applyed to him in obedience to a paragraph in my first instructions for Acts to supply the deficiencies in y^e late Act of Parliament for preservation of the Woods, and he has promised to do his Endeavour, he shewed one part of his intended Speech to the General Assembly of New Hampshire where I believe he will find the people more Complying than in this Province tho^t I am just now told that the 4 Members for this towne, who have great influence in the House of Representatives have promised to fix a Sallary, but not the

Sum^m mentioned by the King, it will be 1500£ sterl^s p ann; 1000£ being too little to Support a Governour, tho this is towne talk I am assured of it from an intimate of the Governour, a short time will shew it ~ As soon as I know what the General Courts in the two Provinces will doe as to provideing against deficiencies in the Act of Parliament I will acquaint you with it, & send you a Copy of My application to the Governour.

Since I began this letter great Numbers of people inclined to settle to the Eastward have been with me, they were informed in towne that I am to begin but at Penobscott and that I can give them noe title to y^e Lands I lay out, but they must depend upon another and can have no Governm^t or Authority where I am to fix them but what must be derived from a place at a very great distance, these things have made me despicable in the Eyes of every body, and discourages the undertaking; the Kings instructions relating to this Settlem^t are directed to me as Surveyor of the Woods and 'tis my duty to obey them and I will as far as I possibly can, but for the Good of the Service and to promote his Majestys intrest in Carrying on this Settlement I Humbly beg that M^r Philips may be directed to spend part of his time at Penobscot or any other appointed to Confirme the titles of Land layd out, before the people will be encouraged to improve. I solemnly declare I do not make this proposal to reço^mend myself, I must freely beg leave to decline it as to y^e Government, I am so much fatigued already and my Spiritts sunk with y^e usage I have mett here, w^{ch} with a dropsical Humour & pains from Colds I endured last Winter in y^e Woods has so impaired my Health, that I do not expect to be able to do y^e duty required of me, & I would rather be superseded than y^e Kings Service should be neglected, if so it would be a favour to me to be Succeeded by my brother Jeremiah Dunbar, who is one of my Deputys and takes great pains in doeing his duty I Humbly

beg the favour & good offices of my Lords Commissioners upon this Occasion.

It is now the 29th of August, 3 days agoe arrived here a ship belonging to this towne from Amsterdam with 230 pallatines, by their Contract bound to Pensilvania, they were much crowded in y^e ship which occasioned the death of some, & y^e want of water brought them in here, the Master Complaind to M^r Belcher that the passengers forced him in, w^{ch} the Gov^r told me was an Act of piracy, the poor people being frighted wth threats to be prosecuted accordingly by the Master and Owner, have been obliged to give up the obligations they had in writeing to be put on shore at Philadelphia whither some of their familys & Acquaintance had been before them, and where by Contract they were to be Allowed 3 Months time to pay for their passage, and are landed here & exposed to Sale like Negroes, and are purchaseing by a Company of M^r Waldoes proprietors to be planted where the pine Swamps are in Shepscot river to y^e Eastward of Kennebeck ; I begged of M^r Belcher to see that these poor creatures were not abused, but he is gone to New Hampshire, I would appear for them but am in the power of the Owner for part of the Provisions I sent to Fredericksport last year God help them ! they have a poor chance for justice for as a considerable Merchant who was chosen by a Piscatua man for a referee against one of Boston, lately sayd, That a Piscatua man had no more chance of justice here than an old england man, so partial are these people, even in their carriage and Manners.

As I Have formerly presumed to hint at things that do not lye within my Cognizance properly, I now beg leave to acquaint my Lords Commissioners that there are very large Ships built and frequently building in this Country, many of them from 20 to 40 guns, with open ports, and built more for sailing than burthen, they are all for french and Spaniards, and purchased with french rum & Molasses, of w^{ch} there is as

general a Consumption here all thrô the Continent as there was of porter and ginn in London a year agoe, if the english Sugar Islands Onely were to Supply the Continent, it would be advantageous to them, & this would greatly promote the New Settlement in Jamaica.

If a due registry of all ships is returned home it will prove what I say of the burthen and Number of ships built here, thô in Registryrs there are noe Cautions noe exactness, if the Governours were to have an Eye upon these Matters, I am persuaded my Lords would be Surprised and future inconveniences may be apprehended from them, they sail hence wth an English or Irish Master (a papist) and English Mariners, they sometimes carry the ship to Cape Breton, but mostly to the french and Spanish West Indies with lumber and fish, and then the Sailors are turned adrift or debauched into foreign Service.

It is now full time for me to return to give an Account of what is more immediately My Duty, in my letter to you of the 1st of May I promised to give an Account of the proceedings upon the tryal of 2002 logs w^{ch} was so strenuously Espoused and defended by D^r Cook, upon the tryal the Judge brow beat us all, but his Majesties Advocate & Attorney Gen^l; pleaded the Cause with such success y^t 2002 shillings New England money was decreed for the King, w^{ch} is about 3 1-2^d sterl^s for each logg, 10 feet in length, & many of them 40 inches thrô; thus my Lords will see what Vallue is sett upon the Mast trees here, this su^m I Have received and will charge myself with it in part of my disbursements to Carry on the prosecutions, if a larger su^m had been decreed the man would have gone to prison, and even this was raised by contribution among the neighbors, so ready are they to assist each other against the King.

I Herewith send you another Appeal agst a Decree w^{ch} I so often mentioned wherein I had so much difficulty to get

Bail admitted for prosecuting the Appeal. You will see that this decree is directly against His Majestys instructions to me and the Opinion of the Attorney & Sollicitor Gen^l upon the Act of the 8th of K: George the 1st, I Humbly hope My Lords Comm^{rs} will be pleased to order this appeal to be prosecuted at home, one or 2 reversals of New England decrees would greatly terrify these people, and I shall be a sufferer and insulted if I do not Succeed;

I beg leave to take notice here (thô out of time) that althô the Judge of y^e Admiralty decrees his own fees at proclamation mony w^{ch} is about 8^s p Ounce of Silver, or double the fees in province bills, the 2002 shillings decreed from M^r Lord, which I Have receivd is but in province bills now near 20^s p Ounce of Silver, I asked M^r Belcher's Opinion upon this point, who thinks that All Sums mentioned in Acts of parliam^t are meant to be sterl^s Mony, but the judge is of another opinion and Obstinate in it.

I am told that the Magistrates of this towne refuse to lett the pallatines be landed here, they are yett upon an Island 4 miles from the towne where quarentine is performed, and are to be put on board the Same Vessel & sent to Philadelphia, it would be a fine opportunity to furnish such a Number of people to Nova Scotia, if any one dare Answer for the payment of the passage mony which I hear is allowed for Such as are intended to Annapolis & Canso I believe I shoold have done it, but that for time to come I have made a resolution not to exceed the orders or powers sent me.

New claims are dayly made of lands to the Eastward of Penobscot, M^r Winnit, one of the Council of Nova Scotia Claims twenty Miles square upon the Coast by a french grant when in the hands of the french, and he says he knows of More, so y^t there is no likelyhood of an end to these disputes, herewith I send yoo a Copy of one of y^e Indian deeds, and as I sayd before they have the same right to Sell all the

rest of the Lands, but I hope before now the Ministry have come to a resolution upon the claims & Settlements. I am very unhappy that I never mentioned or proposed any thing relating to them to the Offices, since they have taken a deferent turn from what I thought was first resolved upon, If I had not been Stopd I should soon have made a Surprising Settlement, and would be the same as a new Acquisition to England, & with little or no expence, whereas under my present circumstances and difficultys, without power, mony or friends, it is imposssble for me to Strive against so much opposition & so many Enemys, & yet I will try all I can until I receive farther Orders either to be impowered or discharged.

I Have in Obedience to the order you sent me publiquely recalled the declaration, I beg pardon for issueing it, it was onely for y^e last Winter, and whatever Complaints M^r Waldo may have made against me for that, I could send certificates from the Gov^{rs} and all the Magistrates of the Country y^t the Kings Woods did not suffer by it, His agent here instead of expecting to be restraind from Logging is now building two more Saw Mills, and thô there are letters in towne of the beginning of July, I Have yet no Answer from my Lords of the Admiralty to my Several letters relating to M^r Waldo and the Woods;

In Governour Belchers speech to the Gen^l Court in New Hampshire he has taken notice of my application to him about the Woods, & I am told they have promised to Enact such Laws as may be Necessary to preserve them; I do not expect that this province will follow their Example; He is expected this night in towne from New Hampshire, and will give my Lords Commissioners an Account of his proceedings there, it might seem impertinent in me to attempt it, but I beg leave to tell you that his demanding and insisting on a fixed Sallary has so alarmed the people here, that some have

said if he does the like to them they will spitt in his face & the Mobb doe threaten to pull down the houses of any of the representatives who shall vote for it, his letters whilst Agent in England & his former Speech in the Assembly & several declarations against a fixed Sallary will be now printed, & called Belcher ag^t Belcher, the General Court are to meet the 9th Inst. soon after w^{ch} vessels will sail for England,

Since I wrote the part of My letter relateing to the Iron tools w^{ch} I Herewith send you, I have enquired what may be y^e reason of the difference between these & English, & am told that in England they steel & make a tool at 3 or 4 heats at most, but here never under 11 or 12 heats, & besides the goodness caused by this they make their tools here of double the Substance; these which I send may be the first that were ever sent to England, and I hope may be of use and Service to the Manufacturers there.

I have just received a message from the Indians that they will by no means consent to any Settlements near Penobscot, & und^r my Circumstances it will be difficult to force them, so that I am perplexed which way to behave upon this occasion.

Pray Sir Lay this before my Lords Comm^{rs} with my Humble duty.

I am Sir Your most Humble & Most Obed^t Serv^t

David Dunbar

Rec^d Oct^r 19th } 1730
Read Do 29 :

Colonel Westbrook to Colonel Dunbar.

Harrow house in Falth June 6th 1730/1

S^r

I have great occation of some masts from 34 to 38 inches diameter to comply wth y^e Contract; M^r Ralph Gulston

ston has made wth y^e principle officers of y^e Royall Navy for such masts as you may see by his Majestyes royall Licence y^t you have wth you. And as we are to apply ourselves to you for y^r Assistance S^r your deputy Surveyor and you being in his Majestyes woodes. Sometimes no doubt but you have mark't and Registerd some such trees. Therefore desire you would assist me and my people in Showing us the S^a trees if any such have fallen within your veiws S^r If there had been more Care taken of y^e Timber heretofore and especially since M^r Waldo and I desir'd your particular Care of y^e Timber up Saco River it might have prevented my troubling you at this time. When y^r Bro: and I was up at y^e Said Timber some time last winter we found a great quantity fell and destroy'd which on enquiry we found it by your deputys permission to it Cap^t Edmund Ward which y^r Bro^r M^r Jere: Dunbar must be a witness two. And whereon he protested to me he should continue no longer in y^t post. But behold when y^r Brother come to inform you of it no man like him to be imploy'd in them parts to take care of y^e Kings Interests S^r I have several evidences y^t w^{ll} take their affidavites of the above mentioned Destructions which I shall do in a little time. If you are in these parts I shall give you timely notice y^t you may be present if you see cause. And now S^r I must come close to y^e matter in hand for the lesser has always lyberty to Speak. And I have great reason to believe you have continued this officer of y^{rs} with some private veiws to damnify my Interest and to intercept M^r Ralph Gulston in his complying with his contract. What Constructions can any man living make of it else; when I had so earnestly desired your particular care of y^e aforesaid Timber. When I had likewise informed you that I had cleared masts roades among it Which had cost me some hundreds of pounds. And now am like to reap no benefitt by them. Which is very much to my Damage &

likewise to y^e Interest of y^e contract Which I shall be able to
prove in a short time

I am S^r Yours

Tho Westbrook

Rec^d March 16th 1730/, }
Read Octob^r 13th 1731, }

Indian Deed relating to Lands near Pemaquid.

To all People Whome it may Concarne
Know ye that I Captain John Somerset and Unnongoit
Indian Sagamores They being the proper heirs to all thee
Lands on Both sides of Masconugus River Have bargned and
Sold To John Brown of New Harbour This certain Tract, or
parcel of Lands as Followeth that is to say beginning at
Pemaquid Falls and so runing a direct Course to the Head of
New Harbour from thence to the South End of Musconcus
Island takin in the Island So running Five in and Twenty
miles into the Country North and By East, and thence Eight
myles North West and By West And then turning & runing
South & by west to Pemaquid Where first begun to all wich
Lands Abue Bounded the said Capt John Somerset and
Unnongoit Indian Sagamores have granted and made over to
the above said John Brown of New harbour in and for Con-
sideration of Fifty skins to us in hand Payd to our Full Sat-
isfaction for the abovementioned Lands and We the abovesaid
Indians Sagamores do bond our selves and Our heirs forever
to defend the above said John Brown and his heirs in the
Quiet and Peaceable Possession of the abovesaid Lands, In
witness Whereunto I the Said Cap^t John Somerset and
Unnongoit have Seat our hands & Seals this Fifteenth day

of July in the Year of our Lord God one Thousand six hundred and Twenty five.

Signed Sealed Capt John Somerset his mark & Seal
 In the presence of us Unnongoit his mark & Seal
 Mathew Newman
 William Cox.

Rec^d Octor 19th } 1730
Read

Complaint of Josiah Grover.

To His Excellency Jonathan Belcher Esq^r
 Captain General and Governor in Chief in
 and over His Majesty's Province of the
 Massachusets Bay in New England, and to
 the Honorable His Majesties Council of the
 said Province.

The Information and Complaint of Josiah Grover
 Most humbly Sheweth

That your Informant being owner of some Lands lying
 in the Eastern parts of this Province at a Place called New
 Harbour, by virtue of a fair purchase of one John Brown of
 the Sachems of the Indian Proprietors thereof; which Deed
 bears date the fifteenth day of July one thousand six hun-
 dred twenty five, in the quiet possession whereof the s^d
 Brown lived and dyed, and of whom your Informant is a
 descendant; about a month since the Informant with one
 John Brown Kinsman, and one of the Grand Children of the

s^d John Brown first named, went down to New Harbour afores^d in order to clear some of their Land, build an House, and make Settlement thereon; Your Informant Declares That they had been but a little while there, until they were exceedingly Insulted & evilly entreated by a number of Irish Men, Particularly as your Complainant Grover was going out of New harbor in a little Schooner to Catch some fish, there came down Eight Irish Men Armed with Guns and Swords in Order to Surprize & Seize Your Informant and Carry him and his fishing Crew to the Fort at Pemaquid, as he was informed by Mess^{rs} Tarrant and Hutchinson; but as it happened when these Armed men came on their design, the Informant was just then rowing out of the Harbour and so escaped them at that time; and soon after when they returned from fishing and were at Anchor there came on board the Schooner five or six Irish men Armed with Guns and Clubbs, and in an hostile Violent Manner surprised & seized upon the Informant & his Crew & made themselves Masters of the Schooner with a strong hand weighed the Anchor & steered twords the Fort, the contrary way and course the Informant was upon, and in pursuit of his lawful Business, at the same time menacing and terrifying the Complainant, and his fishing Company that they would carry them to the Fort lay them neck and heels, and detain them till Coff Dunbar should arrive.

When Your Informant and Company were first surprised in the afores^d manner he desired leave to go on shoar to the s^d John Brown then at work on our land to take care of some necessaries, the Irish men went with him on shoar to Brown, and forbid his working there saying he had no right or Business so to do, and at many times threatned to sacrifice him, as their Phrase was, and send him to the Devil, with all the New Harbour Proprietors. And one of the said Irish men desired leave of one Hamilton an officer at the Fort, as your

Informant has bin credibly told, and he would go and kill the s^d Brown and send him to the Devil.

Your Informant after securing the necessaries he had on shore returned to the Schooner with the Irish men, & was obliged to sail with them in order to their being delivered up to the officer at the Fort, as your Informant & Company were threatned; but could not be informed they were to answer for any misdemeanour they having not done any unlawful Act they know of, but after sailing about two leagues they came to Anchor in the schooner & went to sleep in the Cabin; when your Informant and Company taking the advantage of the darkness of the night season, got into the Canno, & without making noise paddled away leaving the Irish men in possession of the Schooner, & all the Informants stores & fishing Craft with them; among other things were about half a barrel of Molasses five or six hogsheads of salt, besides some staves, pork, meal, bread & the like & were glad to escape, as it were, with the skin of their teeth, being in great fear & terror their lives were in danger in a very Imminent manner; but your Complainants have had the Chaunce to escape their unreasonable fury & Insolent Treatment, and got to Casco & so took passage to Boston in order to wait on His Excellency & Honours, & lay their Complaint of the Evil treatment they had received at the Eastward from the Irish People, which might be enlarged with many more Instances of the like nature too tedious to be inserted. But your Complainants would humbly hope that Your Excellency & Honours will take such order in the premises as may be Consistent with the rules of Common honesty & Justice; and that honest purchasers may not be so harrassed & Invaded in the Improvement of their just right & property, which lies within the Jurisdiction of this Government; And so we are Emboldened to make this Remonstrance & Complaint to your Excellency and Honours for Your Paternal Care and

Consideration and protection; and of these Facts your Informant is ready to make Oath

Josiah Grover

Dated Sep^r 6th 1730

The name of the Principal Actor in this Violence was Samuel Hamble

Josiah Grover appearing before His Excellency the Governour & Council made Solemn Oath to the truth of this Information.

Attest J Willard Sec^{ry}

Cambridge Sept^r 16th 1730

Colonel Dunbar to Mr Secretary Popple.

Boston Sept^r y^e 15th 1730

To make an apology for my writeing to you so soon after so long a letter as mine of the 19th of August p Cap^t Atkins in answer to yours p the Blandford Man of Warr, I am to tell you that this is by way of takeing my leave as I am going to the New Settlements, where I must remaine until I hear from you, and from whence you will Scarce have a chance of being troubled wth any more letters from me this Winter.

I Have very little to say in relation to the duty of My Employment, but that I am at present disabled from Attending it in this Government, because M^r Belcher upon whom I waited Several times & allways with the respect due to his Commission, has treated me in a most extraordinary manner with incredible malice and without any cause or provocation except in revenge for what I wrote of him to England when it was first reported he was appointed Gov^r here; it is said y^t my letters gave him some trouble in London, and there he

joyned with M^r Waldo to do me all the ill Offices they could, they found out that I Had been somewhat concerned in the Corporation of the Mines Royal, & that somes bills drawn upon M^r Kingsmill Eyre and accepted by him were endorsed to me & by me to others, at my comeing away when M^r Eyre's notes were of good Credit, they procured as many of these notes as amount to five hundred p^{ds} to be sent hither to be put in Suit against me and Governour Belcher himself told me that he brought over one note of 200£; and a pro-curation against me for it, (what we call in England a letter of Attorney) and that he did it in kindness to me because he told me as a great Secret that there was six hundred pounds of M^r Eyre's in the hands of one M^r Craddock a Merchant here which I might Attach & so save myself, I sayd Any body that had the Notes might as well do that as I; Soon after his return from his Gov^t of New Hampshire he made it his busyness to enquire of one M^r Atkinson a Merchant here who Supplied the New Settlem^t last winter with provisions, how matters stood between him and me, and being told there was a large ballance against me, he advised Atkⁿ to arrest me, & accordingly he took out a Writt for 2300£, this Country Mony against me, being a ballance upon an Account onely stated by himselfe, to which I have many Objections and desired to referr them to 2 Merchants, but was refused, I have not yet been arrested upon y^e writt and have Shewn M^r Atkinson's Acc^{ts} to Sev^{ll} merchants here, who exposeing him for many Errors in them and his proceedings against me, sayd he would not have done it but at the instigation of the Governour, who he sayd had done, and would do all in his power to ruin me; After this I will not offer to write any thing of him, because it cannot be imagined but I am prejudiced Against him; You'l see in his Speeches that he has recommended the preservation of the Kings Woods to the Gen^{ll} Courts, I send you Copys of my Applications to him,

upon which he has done nothing more than w^t are in his Speeches.

In your last I am Commanded by my Lords Com^{rs} to lose no time in Setting out the 300,000 Acres to be reserved for the use of the Royal Navy, and that no grants are to be made prior thereto; before I sent to Nova Scotia the two Deputys as land Surveyors, who are now on that Service attending Govern^r Philips, I received a letter from him of w^{ch} I herewith send a copy and my answer, if I am wrong in it, I am sure no grants of Settlements can be made in Some Years, I intended in penetrating into the Country by degrees, as I should find land bearing timber near water Carriage to lay aside all such for his Maj^{ties} Use, it is seldome there are any large tracts bearing such, I fear My Lords will blame me for my letter to Governour Philips, and least I might repeat the offence I shall Act safer this Winter to stand Still, thô in my Opinion it was not meant or expected that this large tract of 300,000 Acres could be Suddainly layd aside, but that all lands fitt for the use of the Royal Navy should be reserved and not given to private persons; if when I have the Honour to receive your farther Comands, pray Sir favour me with the Opinion and Answer of My Lords relateing to a sloop to attend this Service, and what I so often requested of travelling charges, if My Lords are of opinion that ye Service required can be done without either, I own I shall deceive them if I pretend to it, I do not desire to eat the Kings bread for nothing, nor w^d I have his service neglected or left undone, if any body else should offer to undertake it, they will soon find their mistake.

I am this moment informed that y^e Shepscot proprietors are Encouraged to go thither, & are goeing in great Numbers & resolve to cutt down the Mast Swamp w^{ch} I saved from them the last winter; how can I prevent a Number thus resolved, or if I had force or assistants, how can I get to the

place? this I represented so often that I am ashamed to be so troublesome.

If it should be His Majestys pleasure not to confirm the claims, there will be a kind of Warr tween these pretended proprietors and those y^t will go to Settle upon y^e Kings terms, for they will not quit y^e possession they are now going to take, especially if that part of the Country is to remain or be within this Governm^t, and if His Majesty should allow the claims, I am very sure the Country will never be Settled by them; it is impossible for me to say more upon this head than I have Already repeated; but this that these proprietors, now Encouraged, say openly that they will part with their hearts blood before they will give the King one farthing Quit rent, if this does not prove the sentim^{ts} of the people of this province until their wings are Clipt, I am much mistaken, & it is no difficult matter to humble them Effectually and I am persuaded it will be thought full time to begin with them, they have now again refused fixing the Sallary 80 to 4 in the House of representatives against it, the Gov^r will (no doubt) send you the proceedings, w^{ch} I onely hear from 2^d hands, as I keep within my doors, they say if their Charter were taken away they must have a Council and Assembly, & they never will consent to tax themselves to fix a Sallary, so that it is plain they are not to be treated like any other of His Majesties Subj^{ts} I was allways of opinion that they never will be made sensible of their duty until und^r another form of Governm^t and 2 or 3 Reg^{ts} among them, and as they would occasion this Expence, I think a reasonable method might be proposed to make this Country pay it.

I would first propose that as there is a Custome House here and all the Sallarys payd from home, the Parliament might lay a duty upon all rum & Molasses & Brown Sugar imported into the Masachusets Governm^t onely, & 10£ p cent ad valorem upon all other goods and Merchandises

imported, as in Ireland upon all things from England, even Cloaths and wearing apparel, and they may deserve to be further distinguished from his Majestys better Subjects in haveing some duty even upon salt imported for a few years, to make them the jest of their neighbors, & convince them how easily England could cramp them.

At present all the plantations have one advantage of the people in England, which is that there is a drawback allowed for all India or other goods exported, which pay a duty in England and no duty is payd upon importing them in the plantations, it does not seem unreasonable that either there should be no drawback, or pay Kings duty else where.

Some months ago I gave my Lords Com^{rs} an acc^t of the Manufacturing Iron here, & herewith I send the tools mentioned in my last, if by Act of Parliament all Sea Coal was prohibited being imported into this Country, and none to be water carried, this would Effectually stop all the Slitting Mills, Nailerys & other works, w^{ch} are now wrought with Coals from Newcastle, and some brought from near y^e french Settlements in the bottome of y^e bay of Fundy.

As I was writeing this M^r Auchmuty, y^e Kings Advocate General Called to tell me that he was sent for by the Governour & Council to give his Opinion upon a most virulent case drawn up against 5 or 6 men for goeing on board a small schooner near Fredericks Fort and carrying her two leagues along shore, I fancy the Governour will send you a Copy of it, they would fain make it piracy but the Advocate laught at it, I wish it may be sent to you that my Lords may see what an inveteracy there is in these people ag^t those at the New Settlement, who are over and over stigmatized with the name of Irish, the Advocate told me with concern that if I go to Fredericks fort the Governour & Council here will send a force to take it from me and bring me up a prisoner, I had this morning an Opportunity of acquainting Col^o Philipps

with it at Annapolis, & told him I apprehend'd it under his Governm^t, and would Obey any orders he shoold send thither, I Have upon this occasion put into the Advocates hands His Majestys instructions to me, your last letter of the 7th of May, & Representations from My Lords Com^{rs} of the 14th of May 1729 in order to have his opinion how far I can resist Such an Attempt, at present I am resolved to try what they will doe, & not be frighted or putt off by words; if I could be justified in it I am sure I could defend the place against this Governour & his best Regiment; I am to have no Notice of this intention against me, but to be Surprised, I shoold think that they ought to caution me against goeing thither and give reasons for it, that I might not go thither, I intend not to meddle with any lands until I have further instructions relating to the claims, except when I am directed, & wish I may be able to do anything there.

I send herewith one of the applications made to me immediately after my arrival here, onely to shew to my Lords how pressing people were with me to begin the New Settlements.

Whenever my Lords will Honour me with their Commands, pray lett them be under Cover to John Jekyl Esq^r Collector here, they will come Safer and he will convey them to me, I am with my Duty to my Lords

Sir Your most Humble & Obed^t Servant

David Dunbar

Rec^d Nov^r 19th
Read Jan^y 5 1730/1 } 1730.

Petition of heirs or assigns of Ancient proprietors of Falmouth.

To his Excellency Jon^a Belcher Esq^r Cap^t Gen^l Gov^r & Comm^r in Chief in and over his Majestys Province of the

Massachusetts bay in New England and to the Hon^{ble} the Council and House of Representatives in General Court Assembled September 1730/

The Humble petition of us the Subscribers the heirs or Assigns of the Ancient proprietors of Land in the Town of Falmouth in Casco bay for themselves and at the desire and in behalf of the other proprietors of s^d Town.

Sheweth/

That Sundry of the Ancient proprietors for themselves and in behalf of other Ancient proprietors of Lands in said Town presented their petition to the great and General Court or Assembly of this Province in August 1728 Setting forth at large as therein Exprest and the Consideration of the said hath by the Hon^{ble} Court been referr'd from Session to Session untill this time And in as much as they have been and now are very great Sufferers by unjust Ineroachments on their Lands, Rights & properties Contrary to the true Intent and Order of the Hon^{ble} Court in 1718, as at Large set forth in said petition and the longer they are kept out of their just Inheritanees and purchases the more precarious their Titles will be and for as much as that in the General destruction of the said Town by the French and Indian enemy in 1689 the records and writings and also the deed or Instrument of the Hon^{ble} Thomas Danforth Esq^r for said Township as Observ'd in said petition was Likewise destroy'd A Counterpart thereof is in the Secretary's Office w^{ch} in Cases of Inevitable ruin and Calamity hath for ever been Esteem'd in Law and Equity to be Good and Sufficient Evidence of their being Such an Instrument once in being,

Wherefore your petitioners for themselves and in behalf of the other Ancient proprietors most humbly pray that Your Excellency and Honours will be pleas'd to Consider the said petition and Grant to your petitioners a full hearing thereon and also to Establish and Ratify the Substance of the said

deed or Instrument so destroy'd but now made known by the Counterpart thereof and that the same may be Order'd to be put on Record as was the pleasure and Wisdom of the Hon^{ble} Court relating to the Deed of the Hon^{ble} Tho^s Danforth Esq^r for the Township of Scarborough of the like Tenour wth the above Mentioned And further your petitioners humbly pray that Your Excellency and Honours will be pleased to Examine into the true State of your petitioners and the Town and adjust the same or Afford such further relief in the premises as You in Your Consummate wisdom shall see meet and your petitioners as in duty bound shall ever pray

| | | |
|------------------------------|---|---------------------------|
| Corne ^s Waldo For | } | |
| Thomas Westbrook | | |
| & Samuel Waldo | | |
| Benj ^a Walker | | John Smith |
| Edmund Mountfort | | John Soudon |
| Grace Marshall for | | Joseph Brimhall |
| James Mariner | | Steph, Boutineau for self |
| & James Baudowin | | John Higginson for self & |
| Mr James Lindall for | | Sam ^l Sewall |
| Peres Bradford for self & | | W ^m Peirce |
| John Smith Attorney to | | Jos. Maylem |
| John Walker | | |

In Council Sept. 22. 1730.

Read & Committed

*Agents of Falmouth their Answer to the Petition of Tho^s
Westbrook & others, 1730.*

To His Excellency Jonathan Belcher Esq^r Captain
General & Governour in Chief in and over His
Maj^{ties} Province of the Massachusets Bay, To the

Hono^{ble} His Majesties Council and House of Representatives in General Court Assembled at Cambridge Sept^r 1730

The Answer of John East & John Tyng Agents for, and in behalf of the Town of Falmouth in the County of York ~

Most humbly Sheweth

That the Inhabitants of the s^d Town of Falmouth having bin lately convened here to Answer the Complaint or Petition of Thomas Westbrook and others, (who would feign distinguish themselves by the name of Ancient Proprietors of the s^d Town, in order to gloss over their frivolous pretensions) In obedience thereto, have Employed John East & John Tyng as Agents, which will appear, by the Record of the Town herewith Exhibited; And in Answer to the s^d Complaint, or petition; Your Respondents beg leave to recite such part thereof only, as they account Material; and then give a clear & Satisfactory Answer thereto: even such as they hope will be deemed sufficient by this Great and General Court, to dismiss the s^d Petition, and free the Inhabitants for the future, from the Vexatious Complaints, of these pretended Ancient Proprietors ~

The substance of their Petition, as Your Respond^{ts} Imagine, amounts to no more than this viz. “That the Hono^{ble}” the Governor & Company of the Massachusetts, Proprietors of the Province of Main, Impowered a Co^mittee to make & bring forward settlements, in the Eastward parts; That in Execution of that power, the Hono^{ble} Thomas Danforth on the 26th of July Anno Dom 1684 did grant and convey the Lands in ffalmouth Township to Capt Edward Tyng and others Trustees &c in behalf of the Inhabitants of the s^d Town, That they in the Execution of the s^d power and Trust laid out Lots of Land to many Persons, who settled & Improved the same till drove off by the Indians in the late Terrible War; That since that time viz in the years 1715,

1717 & 1718 they have made applications here, to the General Court for protection to bring forward a settlement That Anno 1718 the Court was pleased to Revive the Committee, who reported to the Court, That it was necessary a Town should be settled with apt bounds & Invested with the power of a Town; which was Accepted & Confirmed, And further Ordered That fifty Familys should be added, & settlements given to them, so that the same did not Infringe on former rights &c And further Add, That they are Proprietors by Grant from S^r Fardinando Gorges, and the s^d Thomas Danforth Esq^r, and that their Case is Lamentable, by reason, that since the Peace, such a number of Inhabitants have rolled in upon them, that they compare them to a flood, under colour of the last recited Grant, without the Consent of them who are Proprietors, in an unjust & disorderly manner & possessed themselves of the Lands, which their Ancestors, with great expence & hazard of their lives have Maintained & have granted away those Lands which were with so much Care Guarded against in the Vote of November; and then unnecessarily repeat what they had often before Said, and pray that by the Interposition of this Great and General Court Danforths Deed may be deemed good, that the Committee, or another in their stead may be revived, the happy effect of which, the People of North Yarmouth have Experienced ~

That the Town, tho known to be Invested with the power of a Township, may for some time cease to Execute the same, or what they have done be partly or wholly declared Void, and the petitioners gain such release, as may free them from "the supposed Destruction &c," ~

Now, in Answer thereto, Your Respondents in behalf of the Town say, That the facts relating to the Ancient Establishment of the Town, the Indian War & the effects thereof, & the Application of sundry Supposed, or real Proprietors, in the years 1715 1717 & 1718 may all be true; but it is

submitted to the Wisdom of this Great, and General Assembly how far the same, be lawfully proved, or that those subscribers, or those they claim from were the Ancient Proprietors, & had a right Exclusive of the present Inhabitants ~

They acknowledge it is true That some of the present Inhabitants were Introduced by force of the settlement of the General Court, & what was thereupon Acted; but add that the Petitioner Westbrook himself Introduced no less than fourteen of the fifty, who can surely have no right to Object to the proceedings, that he himself Chiefly Occasioned; ~ And Your respond^{ts} further Urge and Insist, That so far as they know, since the year 1718 (that the Inhabitants have acted as a Town, they have not granted away to any Person whatsoever the particular right of any Ancient Proprietor, but have always squared themselves in their Grants Receiving Inhabitants to the best of their Judgment & Discretion, and acted therein with the Utmost Justice & Equity they were Masters of; Always having in View the Grant & direction of the Great & General Court; But they never accounted themselves Judges, so as to give away or finally determine the right of any particular Person, but always left those matters to the Decision of the Kings Court, for as they were Conscious that no such power rested in them, so it would have been a difficult task to perform if it had, many claimers appearing for the same right, & pretending Ancient Grants to support their demands ~ But still they humbly Conceive That these matters are yet fairly determinable by the Common course of Law and the Petitioners can have no Just cause to Complain, or seek relief here, till they have asserted & tryed their rights at the Common Law, Especially when Your Excellency & Honors shall strictly Consider the particulars they seek for to be granted ~ As first, That you shall determin the Validity of a Supposed Deed, which is only tryable by the Ley Gens ~ And secondly to Grant a

power to a Co^mitte^e to do that which there is no colour for; for with great danger & Expence maintained themselves in their settlements during the last Indian War, to whom they were much Exposed And during which time they have received no help from the Petitioners, but their pretences, or of the greatest part of them, slept till the War & all danger was over & when the Inhabitants that stood the brunt of it, & supported their settlements, and so made the Land Valuable, then some of these pretended Ancient Proprietors Started their dormant Claims, which for Argument Sake admitting they had right to; yet what reason can they give, why they dont sue for it, but would Obtain that by Extraordinary means, which if they have a right to, they might Easily accomplish by due course of Law —

But Thirdly What colour can there be for this Great & General Court, to Interpose by an Extraordinary power to Overthrow & Invalidate the Votes & solemn Grants of the Town & Inhabitants for twelve years past ~ The Complainers are furnished with no particular proof or reason to Induce Your Excellency & this Hon^{ble} Court to think them defective, wrong or unjust; or if so yet surely the same is to be first tryed in the Ordinary Course of Justice, which they have never yet Attempted; or if so at any time, the same has bin Attended with no success on their side, & the presumption in Law, is in favour of your respond^{ts} that matters of this nature, which have been solemnly, publickly & deliberately transacted & which concern the Peace & prosperity of a Town, have been fairly & honestly Acted, without design of fraud, or to prejudice any particuler Person.

But in fact the Town have granted and settled many that claim from the Ancient Proprietors, in their Just dues, who are now become part of the present Inhabitants & Incorporated with them; And the Town still leave these supposed

Proprietors, when they see fit, to Contest their rights according to the due course of Law ~

Now so it is, May it please Your Excellency & Honours, That the former Town Clerk, withholds the Town Books from the Respondents & the Town, by which means they could with ease prove the mistake of the Petitioners or Complainants, & the truth of what they y^e Respondents now Aver on their part; And further it is to be Observed That whatever has been acted since 1718 has been Chiefly owing to the Acts of the Ancient Proprietors, who being upwards of twenty ffamilies in the year 1718 & by whom the fifty new Inhabitants were Admitted & with whom the present Inhabitants Joyned & Concurred in all matters that have since respected the Admission of Inhabitants & Granting of Lands, And further the Deed of Danforth when produced did limit the Estate to the Inhabitants who therefore have now a right by virtue of them general Words to Assert the same And upon the whole Your respondents humbly hope this Great & General Court (whose power & Justice they shall never Question) will see Just Cause to dismiss the present frivolous Complaint of the Petitioners ~

And as in duty bound shall always pray &c

John East

John Tyng

Read Sept 22, 1730

Colonel Dunbar to Mr Secretary Popple

Boston October the 6th 1730

Sir

Since my last of the 15th of September such very Extraordinary proceedings have happened here that I thought there was an absolute Necessity to send home the bearer my

brother (one of my Deputys in whose room I have appointed another to do his duty) to represent Matters to My Lords Commissioners for Trade & Plantations, He is fully instructed by me to do so, and has the Copys of all my letters, y^t if any have Miscarried the defects may be Supplied; it is in vaine for me to descend here to any particulars of what will be layd before my Lords; I am very uneasy until I hear y^e Issue of the Armed force sent by this Governm^t to break up the Settlement at Fredericks-fort, that place can defend it Selfe against a thousand men without Cannon, and if Any Violence be offered to the people, I dread the consequences, I told Governour Belcher soe, but his proceedings were so private that I knew nothing of it until the Vessel & men in Armes were Sent away, I may have another Opportunity in a week to acquaint you with what may happen, & I Hope that what I now represent by my brother will be approved by their Lordships, to whom pray present my humble duty.

I am Sir Your most Obedient Humble Servant

David Dunbar

I send you a Sett of the Votes of the General Court here to show their continued Opposition to the Kings instruction for fixing a Sallary on the Governour.

Recd Nov^r 8th
Read D^o 10: } 1730

Agreement.

Articles of Agreement made and concluded upon y^s 7th Day of Octo^r 1730 & in y^e 4th Year of his Majesties reign between Henry Hope of Boston in the Province of the Massachusetts Bay in New England Merch^t on the one part and Thomas Perkins & John Perkins of Kennebunk in the County of

York Husbandmen or Labourers of the other part. Witnesseth

That for and in Consideration of four hundred and twenty Pounds to be paid by the said Henry Hope unto the said Thomas and John Perkins as is hereafter mentioned they the said Thomas and John Perkins promise to procure the following Masts & Yards of Good Merchantable white pines and to be bro't to Portsmouth in Piscataqua and Delivered to the said Henry Hope on their own proper Acco^t and Risque. Vizt, Twenty Yards of the following Dimensions four of fifteen Inches Diameter of sixty foot Long, Eight of Sixteen Inches Diameter sixty four foot long Eight of seventeen Inches Diameter of sixty eight foot long when hewed into a sixteen square. Also forty Masts all w^{ch} are to be hewed in Portsmouth Piscataqua Each into sixteen square and to bear or measure vizt. five of y^m Twenty Inches in y^e Partners & sixty eight foot in length five Masts of Twenty one Inches in the Partners & seventy foot in length Ten masts twenty two inches in the Partners seventy three foot long Ten masts twenty three Inches in the partners seventy six foot long Ten Masts twenty four Inches in the Partners Eighty two foot long & there to be hewed as afores^d & bro't into sixteen square and Delivered unto the said Hope or Order in a proper and convenient landing place in s^d Town of Portsmouth Twenty of which masts are to be Delivered as aforesaid together wth Ten Yards by the first Day of December ensuing and are to be of the following Dimensions Viz^t five masts of twenty Inches in the Partners & sixty eight foot long and five masts of twenty one Inches in the Partners seventy foot long five Ditto twenty two Inches in the Partners seventy three foot long & five Ditto twenty three inches in the Partners and seventy six foot long The ten Yards to be Delivered at y^e same time & place viz^t the first of December next at Portsmouth of y^e following Dimensions Viz^t Two

yards of fifteen Inches in y^e Slings Four Ditto of sixteen Inches in y^e Slings and four Ditto of seventeen Inches in y^e Slings of the lengths as aforesaid. The other twenty masts and ten yards are to be delivered in Portsmouth aforesaid by the first Day of April next and hewed as aforesaid into a sixteen square Viz^t Five masts twenty two inches Diameter in the Partners and seventy three foot long Five Ditto Twenty three inches in the Partners seventy six foot long. Ten Ditto twenty four inches in the Partners and Eighty two foot long All the s^d Masts & Yards to hold a Due & equal proportion, as are usual, also to be Delivered at Portsmouth aforesaid According to the time before mentioned Viz^t Two Yards fifteen inches Diameter sixty foot long Four Ditto sixteen Inches Diameter sixty four foot long Four Ditto seventeen Inches Diameter sixty eight foot long In Consideration whereof the said Henry Hope doth hereby oblige himself his Heirs Exe^{trs} and Admin^{trs} upon the Delivery of the said Masts and Yards as aforesaid to pay unto the said Thomas & John Perkins their Heirs &c the full sum of four hundred and twenty pounds in manner following viz^t Twenty five Pounds upon the signing of this agreement or Contract and Thirty five Pounds money by the 20th of Octo^r Instant to make up one third part of the whole payment upon Delivery of the masts & yards in Dec^r next Viz^t one third part in English Goods at the Market Price in Boston & two thirds in money and the remainder part two thirds in money and one third in Goods upon the Delivery of the whole of y^e s^d Masts & Yards According to y^e above contract in April next To the which Agreement well & truly to be performed y^e s^d Henry Hope on his part & Thomas & John Perkins on y^r part do jointly and severally bind y^m selves to each other y^r Heir_Ex^{trs} & Admin^{trs} in y^e sum of five hundred to be paid to them their Heirs &c on Condition of either of y^r Nonperformance.

In Testimony whereof they have hereunto Interchangeably sett y^r Hands & seals y^e year & Day above written.

Notwithstanding the above obligation of y^e s^d Perkins to run all risques of towing up the masts it is only to be consider'd y^t if any Masts or Yards are lost in bringing to this place y^e contractors are the loses Viz^t Perkins on y^r part and not y^e s^d Hope.

| | |
|---------------------------|----------------------------------|
| Signed sealed & Delivered | y ^e Marke of |
| in presence of us | Thomas Perkins & a seal |
| Jn ^o Nettmaker | Jn ^o Perkins & a seal |
| Jn ^o Penhallow | |

Endorsed Portsmouth 7 Octo^r 1730

Rece^d of Henry Hope thirty Pounds
 money in p^t & to Acco^t of y^e within contract
 John Perkins

A True Copy of the Original & left on file Instead thereof
 Examined p John Ballantine Cler

Colonel Dunbar to M^r Jeremiah Dunbar.

ten o'clock Wednesday Morning
 Oct^r y^e 7th 1730

Just now Captain Woodside who commands y^e Fort on Saco River came to me, & told me he came direct from the Lieutenant Governour, who ordered him to repair to his post, for that he and the 4 Boston Members were ordered as a Committee to go in the province sloop to take a view of the Fortifications; that the province sloop was fitting out for them & 5 Guns put on board; the Lieu^t Governour said in Cap^t Woodsides hearing, that they were goeing to take possession of their own Governm^t againe, & that as he came from St Georges, he would call in at Pemaquid; One of

those who are named to go in the sloop (for they are all chosen) told Woodside that this view of y^e Fortifications is onely a pretence to take Fredericksfort, & to use the people ill; What can I do in this case when I am commanded by my Lords Com^{rs} for Trade to avoyd any dispute with these people; their Lordships say nothing about any part of that Country being under this Governm^t & y^e disputes relate onely to the private property of y^e Lands, w^{ch} was not determined by his Majesty; if I was settled at Penobscot or beyond it, I am ordered upon any Occasion to apply to Governour Philips, as being under his Gov^t And so is all the Lands as far as Kennebeck, as I was instructed at the Board of Trade, notwithstanding which M^r Belcher and this people claims all as far as St Croy. In this case I know not what to doe, I have no power or comission to make resistance, & these people know my orders not to have any dispute wth them, which they impudently construe to be from the fears the Ministry have to disoblige them; I never had a stronger inclinatⁿ in my life than to go immediately down to Fredericksfort, & if I doe I must either be affronted or come to blows wth a people who are as ripe for Rebellion as their ancestors in 4½ if this does not prove so I will Submit to be hanged, I intend to desire the opinion of Cap^t Prothers, & the Kings Advocate & Attorney Gen^l how I shall behave upon this Affair & to govern myself accordingly; I onely desire an Authority without any assistance but ye new Letters to Defend my Selfe ag^t Cap^t General Belcher, & all y^e force he could carry with him, I desire you will upon yo^r Arrivall immediately communicate this to y^e Secretary of State and to the Lds. of Trade, & press an imediate Answer, ships often arrive here in January.

Woodside tells me the story about seizing y^e schooner was done on purpose to get a pretence of quarrelling, for y^t she was ordered to bring away staves & timber cutt by the

people of Fredericksfort, & to quit the vessel if any one claiming the staves should go on board. I wish you a speedy passage & am

Your aff^t Brother & Serv^t

David Dunbar

Recd }
Read } *Novem^r 11th 1730*

Colonel Dunbar to M^r Secretary Popple.

Boston October the 21st 1730.

Sir

Since my last p my brother, I Have attended a committee of the House of Representatives upon a Summons, Governour Belcher haveing recommended to them the passing of Such Laws as were requisite for preservation of His Maj^{ty}s Woods. I herewith send you the Votes to shew how the House received the report of the Com^{tee} in favor of the bill proposed by me.

Since my brothers Departure, the Sloop which this Govern^{mt} sent to Fredericks fort, returned to York in the province of Maine, & put into the goal there 4 poor fellows whom they took working in the Woods near the Fort, where they are now starveing; their crime was the pretended riott or Act of pyracý mentioned in my last, they have been tried at one Court and tho^t nothing could be made of it, they are continued over until January Next; this is y^e justice of this Country to Strangers and foreigners as all his Majestys European Subjects are called here; The poor pallatines mentioned in my former to you are begging about town it would move any other people to see them, no dyeing Criminals look more pitteously, they were bound to Pensilvania but brought

in there as I formerly mentioned, where they are likely to perish this winter.

I Herewith send some papers w^{ch} my brother will take Copys of, and lay the Originals before my Lords Comissioners, I have long been detained here by a most malicious persecution at the instigation of Governour Belcher and D^r Cook, all indifferent people say they never heard of such usage My brother will tell you the whole, I am now goeing to winter at Fredericks fort.

This town at this time is full of french men, come to carry away large ships to their plantations, purchased here with rum & Molasses, the practice is for a Merchant here to go with the ships beyond the Fort, & there to give a bill of Sale & the register to the french Master, & thus evade the Acts of Navigation, besides rum & Molasses the french send and bring wines and great quantitys of their silks, & all this connived at. pray present my humble Duty to My Lords Commissioners, I am Sir

Y^r Most Obed^t Servant

David Dunbar

Recd }
Read } *Decem^r 31st 1730*

*Order in Council to restrain Gov^r Belcher from Military
Execution against Fredericksfort.*

At the Court of S^t James's
the 12th day of November 1730

Present

The Kings most Excellent Majesty in Council.

Whereas it hath been represented to His Majesty at this Board that Jonathan Belcher Esq^{re} His Majestys Governour of the Province of Massachusetts Bay is preparing for a Mili-

tary Expedition against Fredericks Fort formerly called the Fort of Pemaquid in Order to remove severall Irish Protestants lately settled upon certain Lands there by Colonel Dunbar Surveyor Generall of His Majestys Woods in those parts to which Lands no private Persons have hitherto sett up any Claim ~ And whereas it hath been further Represented that the People of Massachusetts Bay do Claim a Right of Government over the said Tract of Land by Virtue of a Clause in their Charter. And that a State of the Case concerning such Right is now preparing in Order to be laid before His Majestys Attorney and Sollicitor Generall for their Opinion thereupon ~ His Majesty this day took the same into His Royal Consideration and looking upon an attempt of this Nature to be unjustifiable, and that it may in its Consequence prove fatal to many of His Majestys good Subjects in those parts ~ Is hereby pleased with the advice of His Privy Council to Order that His Majestys Governor or Commander in Chief of the said Province of Massachusetts Bay do immediately upon the receipt hereof Abstain from Military Execution and Cause a Stop to be putt to all proceedings of any kind in this Affair untill the right to the said Tract of Land shall be determined, and His Majestys further pleasure Signified thereupon.

A true Copy

Jas Vernon

Recd } *Dec^r 2: 1730*
Read }

Instructions of Gov^r Belcher to the Lieut^t Gov^r and Others.

His Excellency Jonathan Belcher Esq^r Captain General and Governour in Chief in and over His Majesties Province of the Massachusetts Bay having desired and Impowered us the

Subscribers by Instructions given under his hand the 29th of October last past to Embark on Board the Sloop Endeavour Captain Thomas Saunders Master, which Instructions are as followeth viz^t

Province of the }
Massachusetts Bay } By His Excellency the Governour.

“Instructions to the Honourable Lieut. Governour Tailer,
“Elisha Cooke, Samuel Thaxter, Spencer Phipps, John
“Quincey, Thomas Berry Esq^{rs} & M^r Edward Shove for
“viewing the Fortifications in the Eastern parts of this
“Province & other Services hereinafter mentioned.

“In Pursuance of His Majesties Command to me directed
“for Transmitting to His Majesty & to the Lords Commis-
“sioners for Trade and Plantations, as also to the Master
“General and Principal Officers of His Majesties Ordnance
“An Acco^t of the State of defence of the Forts and Fortifi-
“cations within this Province.

“I desire & Impower you to Embark on Board the Sloop
“Endeavour Capt Thomas Saunders Master (whom I have
“directed to receive your Orders in his whole proceeding) &
“with the first fair Wind to Sail for S^t Georges River &
“upon your Arrival there to repair to His Majesties Fort in
“that place under the Command of Cap^t John Gyles of which
“ffortification you are to take an exact plan & to observe the
“present Condition of the works the Situation of the Fort
“and Nature of the Ground whereon it stands as also of the
“Adjacent Country You are likewise desired to take a par-
“ticular Acco^t of the Great Ordnance Small arms and Stores
“of Warr & the number and Condition of the Garrison Sol-
“diers, together with their Order & regulation. You are
“also to Remark the river and harbour there with its Com-
“modiousness or Incommodiousness for Navigation.

“From S^t Georges River you are directed to proceed to
“Pemaquid & view that Place and Harbour Noting the

“Number & Condition of the Inhabitants there and what
“regulation and circumstances they are under as also what
“may be necessary for this Government to do for their
“Encouragement and defence in case any difficulty or dispute
“should arise with the Indians. And if you discover any
“Fort or Garrison there with the Kings flagg flying you are
“to Enquire and know who Commands & by whose Author-
“ity such Fort or Garrison was Erected and is maintained

“From Pemaquid you must proceed to Richmond Fort
“under the Command of Cap^t Joseph Heath, from thence to
“Fort George at Brunswick under the Command of Cap^t
“Benj^a Larrabee, from thence to Fort Mary at Winter Har-
“bour under the Command of Cap^t James Woodside & so to
“the Truck house on Saco River under the Command of
“Cap^t Thomas Smith at every of which Fortifications you
“are to take Plans and draughts thereof & to note your
“Observations as to the several particulars contained in the
“first Instructions refering to the Fort at St Georges River.

“I Do hereby Commit to your care a quantity of Goods
“shipped on Board the s^d Sloop Endeavour and designed as
“presents to the Eastern Indians, And do direct you to par-
“cel out the s^d Goods into Lots for the Several Tribes in
“some proportion to the number of their people and if you
“meet any of the Chiefs of the S^d Tribes at the Forts above-
“said or can call them in without too great a loss of time
“you must deliver the s^d Goods as a present from this His
“Majesties Governm^t with the Assurance of my good will &
“Friendship to them Acquainting them that I am firmly
“resolved on my part to maintain Inviolably the peace
“Established between us & that if they are faithful on their
“part they will always be Continued under His Majesties
“Protection, You are likewise to Inform them that I shall
“be glad to see some of their Chiefs at Boston in the Spring
“if they are so disposed, You must make all proper dispatch

“at the Several places where you are directed to go & upon
 “your return report to me your proceedings as to all the
 “Articles beforementioned Notwithstanding the particulars
 “of the forementioned Instructions you have a discretionary
 “power to pursue the general design of them in such manner
 “as any unforeseen Accident may make necessary ~

Given under my hand at Boston the
 twenty Ninth day of October 1730
 In the fourth Year of His Majesties
 Reign

J. Belcher

“You are likewise directed and Impowered to repair to Salem
 “and to Marblehead and observe the Situation and Circum-
 “stances of the Forts as above and within Specified & report
 “to me afores^d

J. Belcher

In Pursuance of which the day following being the 30th
 day of October at Ten of the Clock A. M. we repaired on
 board the Sloop Endeavour then lying at Anchor off Castle
 Island near Boston. Soon after we came to Sail we directed
 the Master to make the best of his way to Richmond Fort
 near Kennebeck River which Conclusion we came into fear-
 ing least that river might be ffroze up should we first proceed
 to the Truck house near Georges River where we arrived on
 Tuesday the 3^d of November following Cap^t Joseph Heath
 the Commanding officer there came on Board and was
 directed upon going on shore to acquaint some Indians who
 we discovered in the Woods near the Fort that we intended
 Speedily to come on shore where we should have somewhat
 to say to them.

Immediately after our landing an Indian Man commonly
 called Cap^t John of the Tribe of Narridgawock with about

thirteen Men & the like number of Women and Children came up to the Fort where we received them & gave them to understand that we had something to offer on behalf of the Governm^t of the Massachusetts which we should communicate to them on the morrow desiring those then present to bring with them as many Indians as they could having first paid the usual Compliments at meeting with them, when they took leave they laid down a Small pack of River Skins sayings that was what they had & prayed an Acceptance thereof tho but of Little value and at the same time Expressed a General Satisfaction to see us there.

The next day according to appointment they with Seven Men more and Several Women and Children met us with whom we had some discourse in the words following viz^t Lieu^t Governour, Interpreter Acquaint them that His Excellency Governour Belcher having Intrusted And Impowered the Honble William Tailer Esq^r Lieu^t Governour & the other five Gentlemen here present with him to manage some Publick affairs in this Eastern Country & Supposing that in their Journeying they might meet with some of the Chief Indians & part of their Tribes from his good disposition towards the Natives here, moved the Great & General Court to send down some Blankets & other things as a present to be distributed to the Several Tribes and disposed of by them as they should agree part of which we in the name and on the behalf of the Government now lay before you to be divided to and among you all now present. This is given you in Consideration of your past good Demeanour towards his Majesties good Subjects.

And His Excellency Governour Belcher expresly directed us to assure you & all the other Tribes that as long as they continue faithful they may depend upon his Majesties Protection & that they will never want the Friendship of him & the whole Governm^t who purpose forever on their part to

keep and maintain Inviolable the Peace lately Established & Ratified at Falmouth in Casco Bay August 1726

We further Inform you that His Excellency Govern^r Belcher will be glad to see some of the Chiefs of your Tribes of Indians inhabiting these parts at Boston next Spring, if they see cause to come there We then made them a present of part of the Goods Shiped for that purpose after which they expressed their thankfulness for what they had rec^d & would have Entered on the Article of Trade. To which we replied that we had no Instruction on that head, We entertained them after dinner and then Dismissed them.

This afternoon we took a View of the House Built for the reception of the Indians which stands about half a Mile from Richmond Fort and is very Conveniently Situated for that End. We viewed the Fort and took the Several lines of it and made a Plan thereof which is hereunto annexed We found some of the Platforms in the Fort out of repair the Fort fronts South stands on a rising Ground about three hundred feet from the river & twenty-five Mile from the Sea the Land on which the Fort stands is Clayey there are about fifty Acres round the Fort cleared & is generally good and the adjacent Land seems to be a good Soil

An Acco^t of the Great Ordnance Small Arms & Stores of Warr is as follows viz^t

2 Six pounders 5 Three pounders 2 D^o Split 2 Swivel Guns 20 Shot for the Six pounders 1 Barrel Cannon powder 3 Worms 2 Spounges 5 Ramers 1 Quire Cartridge paper 6 Small Province Arms 1 Barrel of Powder for Ditto 3^l Weight of Musket Ball 5 hundred of flints 1 Old Flagg 1 Old Drum 2 Pick Axes 4 Country Pots 2 Shovels 4 Wood Axes

The Garrison Consists of an Officer & twenty Centinells an Interpreter and an Armourer

This river runs near North & South & is Navigable twenty mile above the Fort.

Thursday Nov^r 5th This morning we Embarked on Board the Sloop in order to proceed to Fort George at Brunswick where we arrived about five of the Clock in the Afternoon the next morning we took the lines of the Fort and made a Plan thereof which is hereto annexed, We found the Buildings in the s^d Forts out of repair & Suitable Lodgings for the Soldiers wanting & Several of the Carriages for the Great Guns much decayed. This Fort fronts South stands near to Pejepscot Falls at the Entrance of Amoscoggen river about twelve miles Distant from the Chaps of Merry meeting Bay the Fort is Built on a Solid rock the Land round the Fort clear plain Land & a light Sandy Soil

An Acco^t of the Ordnance Small Arms & Stores of Warr is as follows viz^t

6 Cannon, One Eight pounder, One Six pounder, Two four pounders, Two three pounders, four Swivell, One Barrel Gunpowder, 66 Granada Shells, 61 Iron Shot for the Cannon, 6 worms, 4 Ladle 6 Spunges 30 Province Arms part of half a Barrel of Powder for Small arms, 240 Musket Bullets, 500 Flints, 2 Fusile Match, 6 Carriages 3 of them out of repair, 6 Pick Axes, 5 Old Claw handspikes, One large Copper, 5 Iron pots, One p hand Irons, 1 Cross Cut Saw worn out, One p of Scales & Weights, A New Flagg & Drum, 4 Shod Shovells,

Signed Benj^a Larrabee

This Garrison consists of an Officer & fourteen Centinels two of which appeared to us unfit to be retained in the Service this river is not Navigable

Friday the 6th We left Fort George in order to return to our Sloop which lay at the Chaps of the Bay, We came to Sail at twelve of the Clock on this day & proceeded on our Voyage to the Truck house on S^t Georges river and at Eight in the Evening came to Anchor in the River four Miles below the Truck house.

Saturday the 7th This morning about 7 of the Clock We anchored before the Truckhouse Cap^t Gyles who commanded there came on board and paid his respects to us. Soon after we went ashore & were re^{ce}ed by Captain Gyles, the Soldiers being all under Arms The Truckhouse stands on rising Ground at the upper End of the Bay on the north Side of a Small river which runs Northwest the Land on which the Fort stands & round it is a strong Clayey Land about Sixty Acres back is cleared; The Truckhouse is twelve Mile distant from the Entrance of the River St^t Georges we went about four Mile from the Truckhouse up to that Branch of the River which runs Northwest & found it swift river the Land on each side Beach and Maple Land very full of Wood on this Branch of the River on the North side thereof is a great plenty of very good Limestones, by the Ebbing of the Tide in this Harbour there is a considerable flatt about a Mile to the Eastward to the Truckhouse We took the Lines of the Truckhouse and made the Plan thereof as is hereunto annexed.

An Acco^t of the Cannon Arms & Stores is as follows
 Viz^t 1 Iron Pot 3 Province Arms 300 weight of Musket Ball
 300 of flints 4 Shovells 3 Wood Axes 1 Old Flagg 1 Quire
 of Cartridge Paper 1 Barrel of Common powder Belonging
 unto the Lincolnshire Company. 4 three pounders with old
 Carriages 1 Swivell Gun 2 p of Pothooks 48 Iron Shot 37
 Granada Shells 3 Iron Pots One Small Arm

We found here an Officer, twenty Centinels and an Armourer, the Soldiers under good regulation their Arms in good order. The Truck house has Suitable accommodation for carrying on the Trade and entertaining the Officers & Soldiers butt Sundry small repairs are wanting, At this place we met with four of the Indian Chiefs of the Penobscot Tribe (Viz^t) Espigueis Cap^t Loron Fransoi Saveur & Caesar Moxus with a Considerable number of Men, Women and

Children of that Tribe to whom we Spake as we had done before to the Indians at Richmond & made them a present in the Name of the Governm^t with which they were very well pleased Cap^t Loron in behalf of the rest returning their thanks laid down a Small Pack of Beaver Skins, here Cap^t Gyles put into our hands two letters which he rec^ded from Coff^e Dunbar respecting his Setling the Eastern parts of this province & the affairs of the Indian Trade which we now herewith deliver We left M^r Thomas Pierpoint Chaplain who went down with us at this Truckhouse.

Wednesday the 11th We Embarked this morning in order to proceed to Pemaquid, going down this river we Observed the Channel for about four Miles from the Truckhouse to be narrow but Streight with a Considerable flatt on each side the river at Low Water the Land on each side is Level land bearing Chiefly Spruce with Birch & some pine, We came to Anchor this Evening in pleasant point Harbour, which is a very Commodious harbour for small Vessells the next morning we weyhed Anchor at three of the Clock and proceeded to Pemaquid where we Arrived at Seven. At our coming into the Harbour we found the Kings flagg flying, and a Number of Men Muster^d and appeared upon the Spot of Ground where a Fort was Erected at the charge of this Province during the Administration of S^r William Phipps Knt. then Gov^r here. We Immediately came to Anchor Opposite thereto soon after we rec^ded the following Letter by one James Burns & another Man.

“Fredericks Fort Nov^r the 12th 1730

“S^r

“Presuming you have heard of what passed between
 “your Governour and me at Boston relating to this place
 “you will not be Surprized that I desired to know upon what
 “Acco^t you are come hither. what passes upon this Occa-
 “sion must be in writing to prevent mistakes and Misrepre-

“sentations In the mean time I desire that no Man with you
 “Approaches this Fort as you may be Answerable for the
 “Consequences; If Governour Belcher has not Acquainted
 “you with what passed between us, I will do it which I am
 “persuaded you will think a Justification to me for the Cau-
 “tion I now take.

I am S^r Your most Humble Serv^t

“Some of the Indians David Dunbar
 “who you saw at Richmond have given me an account of
 “your behaviour and Declarations there relating to me which
 “did not Surprise me being of a piece, of what I had heard
 “before ~ Coll^o Tailer.

In a very short Space of time we Expressed the following
 Answer by Cap^t Joseph Heath ~

“Novemb^r 12th 1730

“S^r

“Having reced this morning your Letter dated from
 “Fredericks Fort, these acquaint you that his Excellency
 “Jonathan Belcher Esq^r Cap^t General & Governour in Chief
 “of His Ma^{ties} Province of the Massachusetts Bay having
 “directed & Impowered me with other Gentlemen to view
 “this place and Harbour & note the Circumstances & regula-
 “tion of the Inhabitants & upon discovery of any Fort or
 “Garrison here with the Kings fflagg flying to Enquire who
 “Commands & by whose Authority such Fort or Garrison
 “was Erected and is Maintained.

“Pursuant therefore to such directions these are therefore
 “to desire that you would Acquaint us thereof that we may
 “return to his Excellency Governour Belcher such Ans^r as
 “you shall see Meet to Send

“I am S^r Your Humble Serv^t

“W^m Tailer

When Cap^t Heath came on board he Informed us that Coll^o
 Dunbar after reading our Letter said to him, if Coll^o Tailer

and the rest of the Gentlemen had known what passed between Governour Belcher and him at Boston they would not have come on this Occasion for that he had Answered our Letter already, that Coll^o Dunbar further said that he had been reflected on and Endeavours had been used to set the Indians against him at Richmond upon which Cap^t Heath Asked whether this had been done publickly or privately. Coll^o Dunbar answered publickly by God, Cap^t Heath replied that he knew this was false for that he had been at every publick Interview with the Indians at Richmond and never heard any such thing, that he was so far from being reflected on that his name was not so much as mentioned, Coll^o Dunbar then s^d if things must be so he would know it, but however he would send an Answer in full in an hours time.

We received a Second Letter by James Burns which is as follows viz^t

“Fredericks Fort Novemb^r the 12th 1730

“S^r

“I perceive by yours that your Governour has not Communicated to you what passed between him and me upon
 “the Subject of your Letter to me this morning, but I find it
 “is his Custom as he lately did the like to the House of
 “Representatives at Roxberry upon my Application to him
 “for an Act to have the Saw Mills Registered &c, the first
 “time I waited on Governour Belcher after his Arrival at
 “Boston I only Complimented him upon his Arrival, some
 “few days after I spoke to him relating to these New Settlements and offered to shew him the Kings Powers and
 “Instructions to me which he declined to see, & when near
 “2 Months after I did the like in the presence of His Majesties Advocate General he refused to see them saying that
 “the Kings Instructions were not Laws & signified nothing
 “for that His Majesty ought to have had an Act of Parliament to Impower him to give such Instructions he further

“sd. that the King had not an Acre of Land to the West-
“ward of S^t Croix but all belonged to the Massachusetts
“Government and that some of the Members of the General
“Court were so Sanguine as to propose to Send ffive hun-
“dred men to Pemaquid (for he knew it by no other name)
“to take the Fort bring all the People away Prisoners &
“raze it Level with the Ground, My answer to all this was
“that the Kings Instructions would Justifie me and I would
“Obey them & would be glad to see the Man that dare
“oppose me & that such a declaration as the Governour
“made about Instructions was very Extraordinary from a
“Kings Governour and that as to the Sanguine Members
“who proposed sending down 500 Men if they would come
“hither with 3 times the Number, not one of them should
“dare touch the least Stone in the Wall whilst I was in the
“Fort as for his knowing it by no other name than Pema-
“quid it was no matter. I called it Fredericksburgh and
“His Majesty by the Lords Commissioners for Trade and
“Plantations has been pleased to command me to give all the
“s^d Settlements English Names with English Terminations
“& therefore to change Fredericksburgh to Fredericks Town
“or Fort, & I have made choice of the latter, I am now in it
“& will defend it against any attack until I receive His
“Maties Orders to give it up, or some of his Troops arrive
“from Annapolis in Nova Scotia to take possession of it, I
“hourly expect them and in the mean time shall Treat any
“as Enemies to the King who shall offer to Attack it and
“hope none shall be so Audacious or Impudent; As to the
“Massachusetts Pretence to this Place some of the Gentle-
“men with you who now come to claim it should view it
“with shame & Confusion who have been the Occasion of
“its having lain so long in rubbish when the Rebuilding it
“has been so often recommended from the Crown and one
“of the s^d Sanguine Men among you who proposed Levell-

"ing this Fort is thought to be the Chief Impediment to the
 "Rebuilding it many years ago his being with you prevents
 "my Entertaining all the rest of the Gentⁿ as I willingly
 "would I avoid Conversing where he is that there might be
 "no quarrel or dispute with or between us, I expected that
 "if your Government had any pretensions to the Eastward
 "of Kennebeck River some Notice would have been taken of
 "my Advertisements in the Boston Gazette of the 19th of
 "October last that was in pursuance of His Majesties
 "Instructions to me which shall ever be sacred, tho they be
 "lightly Esteemed elsewhere, All that I have here related is
 "represented at Court upon which I shall soon receive
 "farther orders in the mean time this is my fixt Answer and
 "Resolution but that the flagg you behold flying in this
 "Fort is His Majesty King Georges & as for your other
 "Questions in your Instructions from Governour Belcher
 "they ought only to be asked by the Governour of Nova
 "Scotia. I hinted to you in mine this morning the Endeav-
 "ours at your Truckhouses to Set the Indians against us,
 "this will be scarce Credible at home but is Certainly so,
 "which I shall represent to Governour Belcher when I go to
 "Boston which I propose in a Month or Six Weeks, I wish
 "you safe thither & am S^r

"Your Most humble Serv^t

"David Dunbar

"I would not detain you so long as to keep a Copy of this
 "Letter which you will let me take another time if neces-
 "sary; soon after receiving this Letter some of us went
 "ashore and took a Cursory view of the Neck of Land
 "where the s^d Fort stood nigh to which we found between
 "thirty and fforty fframes for houses and two or three
 "houses covered, where was also a New Wharffe.

Friday the 13 came to Sail early this morning for Winter
 Harbour where we Arrived at 11 A. M. and Anchored

before Fort Mary under the Command of Cap^t James Woodside We went a Shore and took the Lines of the Fort and made a Plan thereof which is hereunto annexed. This Fort stands on a high point of a Neck of Land & fronts North West it Commands the Harbour at the upper End whereof is a large piece of flatts a very Convenient Harbour to secure the Fishery the Course entering into the Harbour is Westerly ~

An Acco^t of the Great Ordnance Small Arms and Stores as follows viz^t

Guns in the Great Room 1 Do in the Western Flanker Very poorly Mounted 18 Small Arms 12 in repair and 6 out of repair 1 Bag of Small Bullets 1 half Barrel half full of powder 53 Great Shot, the Rhim of a Drum 1 Flagg & Halliards in the Northern Flanker 1 Great Worm & Ladle 1 Trying Gunn 3 Small Boyling Pots 1 large Pitch D^o 2 Iron Wedges 1 Small Ax, 2 Shovells; Signed James Woodside The Lodgings in the Fort want some repairs. This Garrison consists of an Officer & twelve Centinells we found the Men at their post several of whom we Judge to be not effective men their arms were in good order. Monday the 16th A Storm of Snow prevented our proceeding to the Truckhouse up Sacco River.

Tuesday the 17th We hired Horses at Winter Harbour & went to that Truckhouse which is about Eighteen Miles distant from Fort Mary as the Road goes we passed over fifteen Bridges in our way to the Truckhouse one of which (viz^t) that over Swanpond Creek is Generally good the rest of the way from thence to the Truckhouse is very Rough Hilly and difficult to pass, We arrived at the Truckhouse under the Command of Cap^t Thomas Smith at half an hour after two, the Truckhouse stands on a Bank near to the river, We took the lines of the Truckhouse & made a Plan thereof which is hereunto Annexed.

An Acco^t of the Arms & Stores is as follows viz^t

13 Muskets 20^l Powder 2--0--0 Bullets 200 Flints 2 Frying
pans 3 Iron pots 2 Shod Shovells 2 Narrow Axes 2 Ham-
mers 1 Handsaw 1 p Beadle rings 2 Gimbles 1 Pick ax 1
Spade 1 p Halliards 1 Flagg & Halliards 1 Rope for a Par-
buckle 1 Old Canoe Signed Truckhouse on Sacco River
November 18th 1730 p Thom^s Smith

Wednesday 18th In the morning we viewed the Apartments
in the Truckhouse which we found very Convenient for the
Officers and Soldiers the Men being mustered we found the
Compliment Consisting of an Officer Ten Centinells and an
Interpreter all well Equipped and their Arms in good Order.
We returned this evening to Winter Harbour and went
aboard.

Thursday the 19th We came to Sail at Ten of the Clock in
the morning and understanding that his Excellency Gov-
ernour Belcher was at His other Governm^t of New Hamp-
shire, we thought it advisable to put in there & Acquaint
him with our proceedings thus far, We arrived at the
Great Island about four of the Clock this Afternoon & the
next day waited on His Excellency at Portsmouth.

Saturday 21st We returned to the Great Island and stayed
for a fair wind to proceed to Salem.

Monday the 23^d being bad Weather we remained in the
Harbour.

Tuesday 24th We came to Sail early in the morning the
Wind proving Scanty we put into Cape Ann at about Two
of the Clock P. M. remained in the Harbour this night

Wednesday the 25th We came to Sail about Seven of the
Clock in the morning and Arrived at Salem about two of the
Clock in the Afternoon

Thursday the 26th, We took the lines of Fort Anne under
the Command of Cap^t John Clark and made a Plan thereof
which is hereunto Annexed.

This Fort stands on Winter Island which stands on the North side of the entering in of that Harbour we found this ffort very much out of repair We also took the dimensions of Two Block Houses which are at the Entrance of a Neck of Land leading down to the Fort above half a Mile distant from it, We also took an Acco^t of the Cannon & other Stores belonging to the s^d ffort & Blockhouses which is as followeth viz^t

Twelve Sakers Three D^o very much honey Combed One Eighteen pounder four twelve D^o Two nine D^o Three hundred and fifty round Shot fifteen Spike D^o Nine Dob headed D^o Not one sufficient carriage A Gin but no rope Two Priming Wyers One powder Horne Not one Ladle Two formers Nineteen Spunge & Ramer Staffs. Seventeen handspikes with Iron plate Claws An old Flagg In both Block Houses ~ five four pounders Six Wooden Handspikes Two Ramer Staffs

The above is a true Copy Att^d

John Clark Cap^t

In the afternoon we repaired to Marblehead and viewed the remains of a Battery there which stands on the North side of the Entering in of that Harbour, We found here Nine Cannon Small and great without any Carriages ~

An Acco^t of the Stores is as follows viz^t

Town Stock of Iron Shot 86£

Friday the 27th We came to Sail at ten of the Clock in the morning and stood for Boston where we arrived at two in the Afternoon.

In pursuance to Additional Instructions On Friday Decem^{ber} 11th We repaired to Castle William under the command of the Honourable William Tailer Esq^r & took a view thereof & caused a plan to be made which is hereto annexed, The Castle is built on an Island Consisting of about Eighteen Acres of Land & lyes three Miles South East

from the Town of Boston This Garrison Consists of a Cap^t Lieu^t a Gunner Chaplain four quarter Gunners One Serjeant three Corporals & twenty six Centinells.

An acco^t of the Great Ordnance Small Arms & Stores of Warr is as followeth viz^t

Small Iron Mortars 2. Bombshells 100. Cannon of 7 on Battery Carriages 4. Demy Cannon on Carriages 101. Whole Culvering on Carriages 8. Demy Culvering on Battery & Ship Carriage 13. Saker on Ship Carriages 35. Minion 4. Firelocks Musquets & Fuzees in Store 270. Catouch Boxes & Belts 200. Catouch Boxes 10. Bayonets 200. Powder in half Barrels 66. Parchment Cart-ridges made 210. Cartridge Paper Ream 1. Round Shot for the Ordnance 2600. Speak & Cross Barr 100. Leaden Ball of Several sorts weight 800. Rough Barrels 40. Wooden Cartridge Cases 70. Spungers & Hamers 100. Ladles with Hamer heads 40. Wadhooks 40. Ladles & Warnes 18. Match 35.

Linstocks 70. Handspikes 150. Iron Crows 50. Granado Shells 50. Wooden Cases fild with Iron 400. Powder Horns with Wires 40. Canipers pair 1. Tandhides 2. Cart-ridge Moulds 9. Gins & Blocks 2. Flaggs 2. Pendant 1. Halberts 2. Drums 3. Muscovy Lights 2. Ordinary Lanthorns 6. Pitch Pot and Ladle 1. Scrapers 3. Pinchers 1. Sizers 1. Aules 1. Bitts 1. Tin ffauell 1. Tin quart pot 1. Halliards pair 1. Mallets 2. Handvice 1. Speaking Trumpet 1.

Acco^t of Stores belonging to the Kitchen.

2 Iron pots one 4 1-2 Gallons the other 2 1-2 Do.

1 Holland Copper pot, 1 Grid Iron, 1 Copper Kettle Double, 1 Iron Rack, 1 Dripping Iron pan, 1 Iron fender, 2 Iron Spits, 1 Iron fire shovel, 1 Wind up Jack wth Lead w^t 1 pr Tongs, 1 Brass Scimmer 2 old Iron Dogs, 1 iron fork for

a pot, 1 Tin Cullender, 2 Iron Trivet, 1 Wooden Mortar & Pestle, 2 Iron Trammels 1 Iron Cleever.

We found the Platforms in the Lower Battery something out of repair, the Platforms in the upper works entirely out of repair the Blockhouse facing to Dorchester Neck which Commands the West Channel wants new Coverings all the Copeings throughout the Garrison which were at first Covered with Shingles for the better drying of the works are now the greater part of them blown off & the rest much shattered by the Wind we are of opinion they be all taken off (and when the season of the year will admit) that the Copeings be new Covered with a Coat of Putty, also that the Stone & Brick Wall in diverse parts be new pointed that the Sea Wall for Securing the heads of Land be repaired in several places.

The next day we went to the Batteries in Charlestown & found the works there Entirely laid Waste, but are of Opinion that the s. Battery be Rebuilt in the Same or in some more Convenient place.

An acct. of Stores is as follows — vizt.

6 Cannon three of them 18 pounders the other 3 eight do.

65 shot of 18 pounds & do. 10 Chain Shot.

4 Spunges 2 Worms 2 Ladles 4 Ramers 10 handspikes 6 Linch Stocks an Old Shattered Flagg all belonging to the town. We then went to the North Battery in the Town of Boston which we found in a great Measure out of repair we took the Lines thereof and made a Plan of the same which is hereto annexed. We then went to view the Sconce or Battery at the South End of s. Town and found the same entirely laid waste.

An Acct of Stores belonging to each Battery is as follows Vizt.

Cannon Mounted on Carriages at the North Battery 1 Culvering 2 1-2 Inches Diameter at the Bore.

3 Do. 5 do.

1 Saker 3 3-4 do. 4 large Saker lying on the Wharffe unmounted A Sufficient number of Shot for all the Common lying at the South Battery. Cannon lying unmounted at the ruins of Sconce or South Battery. 1 lowest Demicannon 6 inches diameter at the Bore. 2 Culver in largest Size 5 1-4 inches. 4 do. lesser size 5 1-2 do. 2 do. 5 1-4 do. 5 do. 5 Demi Culvering 4 3-4 do. 4 do. 4 1-2 do. 3 do. lesser size 4 1-4 do. 1 ordinary Saker 3 1-4 do. Shot for more than twenty rounds for each Cannon all other stores Unserviceable.

The Committee are humbly of opinion that if both the Batteries before mentioned be put into a suitable posture of defence it would tend to the Service and Security of this province as well as the Battery at Charlestown Salem and Marblehead. The Line of Defence upon the Neck of Boston in good Order but without Cannon.

| | | |
|------------------------|--------------|------------|
| Dated at Boston the | W. Tailer | Spencer |
| 21st of December 1730. | Elisha Cooke | John Quinn |
| | Sam Thaxter | Edw. Shove |

Copy Examined J Willard Secry.

Reced 2d March } *1730/1*
Read

Gov^r Belcher to the Duke of Newcastle.

May it please your Grace,

By this Conveyance you will have a duplicate of what I had the honour to Write Your Grace the 11th Currant, and I now have desired my worthy Friend & Agent M^r John Caswell the bearer to deliver this into Your Grace's hands, to whom I have sent all the papers referr'd to in my last to be delivered to Your Grace, when youll please to

Order Him to Attend You with them Among which Your Grace will find a Notorious Assault, and Riott Committed by some people belonging to Frederick's Fort on some of his Majesty's good Subjects of this Province. As also an Account of what I directed His Majesty's Lieutth Governour of this Province to do at Pemaquid upon a Visitation I order'd Him to make of all the Fortifications of this Province in Obedience to His Majesty's Royal Instruction to me for that End, these things may it please Your Grace are the whole of what I have Ever done respecting Frederick's fort, or the Fort formerly Call'd Pemaquid ~ I beg leave Also to Observe to Your Grace that You'll find among these Papers the Copy of a Memorial I made to the King, and Delivered into Your Grace's hands, when I had the honour to take leave of Your Grace at New Castle House 15: May last to which I should have been glad of an Answer But never reciev'd One Word 'till His Majesty's Order of 12: Nov^r last Came to my hand. In that Memorial Your Grace Will find Cited a Clause of the Royal Charter of this Province and Agreeable thereto making the Lands at Pemaquid a part of this Province, they are Contain'd in his Majesty's Commission to me for this Government and there is a Clause also in these Words, "And for your better guidance and direction
"we do hereby require and Command You, to do & Execute
"all things in due manner that shall belong Unto the Trust
"We have repos'd in You According to the Several Powers
"and Authorities mentioned in the said Charter, and in these
"presents, And Such further powers," . . . Instructions
"and Authorities, as you shall recieve or Which shall at any
"time hereafter be granted or Appointed You under our
"Sign Manual, and Signet, or by our order in our privy
"Council In pursuance of the said Charter, and According
"to such reasonable Laws and Statutes as are now in force,
"or which hereafter Shall be made, and agreed upon in such

“manner & form as by the said Charter Is directed” By what I have Cited may it please Your Grace, Out of the Royal Charter and his Majestys Commission to Me I Conceive it appears that these lands are Included in both, and that his Majesty is pleased to make the Charter by his Commission a great Rule of my Government. How dare I then disobey His Majesty or betray the Trust he has reposed in me, by refusing a legal Protection to his good Subjects when they Apply to me for it. These Riotters may it please Your Grace, have been since legally Convicted in His Majestys Courts & must doubtless undergo the penalties of the Law for the Breach of his Majestys Peace, and so Notorious an Assault and Riott Committed upon the property and Liberties of His Majesty’s good Subjects. I am here, My Lord Duke, His Majesty’s Governour to see a good Execution of all His Wholesome Laws for the Safety of His Subjects under my Care in their Lives and Estates, and to this End I Will Endeavor Carefully to Use the Power the King has delegated to me in his Royal Commission: Col^l Dunbar (I presume) must found his Representation Either upon the Matter of the Riott, or the Visitation I ordered to be made of the fortifications of this Province, and with great deference to Your Grace I think then Nothing can Appear more false than his saying, I was preparing a Military Expedition Against Frederick’s Fort formerly Call’d the fort of Pemaquid Nor have I ever done Any thing of that kind or Nature Nor did anything like it Ever Enter into my Thoughts. It is also false in Him to say, No private Persons have hitherto set up any Claim to those lands, Because there have been a great many Claims made, and are made daily, and the people that Claim think they have a just right (tho not by any grant of this Province) And one of the Men whom Col^l Dunbar’s people rioted and Assaulted has a Claim there descended down to Him for 105 Years past as may be seen in his Complaint Against those

Notorious Riotters. May it please Your Grace, Every Man's Property is his life, and I Cant Answer for people's giving away what they think their own, but for the right of this government to those lands according to the Royal Charter, had Coll^d Dunbar wisely manag'd about 'Em I think I should have had Influence Enough With this Assembly to have made a Cession of their Right to the Crown, and it Was always my Opinion That it would be greatly to the advantage of this Province, That the Crown should settle those lands. Yet I must beg leave further to Observe to Your Grace, That I know not how to Answer those that say the Crown has always suppos'd these Lands to be a part of this Province, or why have the Gov^{rs} of the Massachusetts been ordered from time to time to Insist with the Assemblies to rebuild the fort at Pemaquid, they say why have not the Governours of New Hampshire and Nova Scotia had those Instructions, and again the King has directed the choice of a Councillour in the Royal Charter to be Chosen on acc^t of those Lands, and who of Course becomes one of the Legislators of his Majesty's Province of the Massachusetts Bay, and without such a Councillor the present Constitution cannot Subsist. My Lord Duke, I should be glad to be Instructed how to Answer these things. But that Gent^m has made Himself so Obnoxious to this Countrey In General, That I can Attempt Nothing with hopes of Success where he has any Concern. I humbly beg of Your Grace, That at No time any Complaint may take Effect to my Prejudice 'till I have time to make Answer thereto, for as it's the undoubted Right of the meanest Englishman to be heard upon any Accusation, Much more must it be the Right of the King's Gov^r whom his Majesty in his Royal Instruction Is pleas'd to Call the Representative of his own person here. And I think Coll^d Dunbar ought to observe a decency to the Gent^m who has the honour to bear so great a Commission from the King,

Yet I shall in my Next show to Your Grace how rude he has been on this head.

I believe a short time will discover how little prudence he has, and Consequently of how little Service he can be to the Crown in bringing forward the designed Settlement.

I hope always, My Lord Duke, to maintain the Character of an honest Man And I must Assure Your Grace it Was Impossible for me to do more from my Arrival to this day than I have in Support of His Majesty's honour & dignity, and for the Interest of his British Dominions, as well as for the Welfare of the Provinces under my Care, and I shall continue According to my best Skill and understanding, And am With the highest regard & Esteem

May it Please Your Grace

Your Grace's Most Obedient and Most devoted Humble
Servant

J Belcher.

Boston Janued: 14: 1730/1

Recd 2^d March } 1730/1
Read

At the Councill Chamber Whitehall.
the 14th of Aprill 1731

By a Committee of the Lords of His Majestys
Most Honourable Privy Councill

Whereas His Majesty hath been pleased to referr unto this Committee the humble Petition of S^r Bibye Lake Barr^t Grandson and Heir of Captain Thomas Lake late of Boston in New England in America Merchant; in behalf of himself, and of Colonell Edward Hutchinson of Boston aforesaid Esq^r, and John Walcot of Salem in New England Esq^r Son and Heir of Josiah Walcot of Salem aforesaid Esq^r deceased, who,

with the said Edward Hutchinson, were Grandsons and Heirs of Major Thomas Clark of Boston aforesaid Merchant deceased, Setting forth their right to some Lands in the said Colony of New England, within the Limitts of which Colonell Dunbarr Surveyor Generall of His Majestys Woods in America, pretends to have received Orders from His Majesty to make Settlements &c^a And therefore humbly praying that Colonell Dunbarr may be Ordered not to Disturb or Molest the Petitioners in the Lands to which they are legally Intitled ~ The Lords of the Committee this day took the said Petition into their Consideration, and finding that a Petition of the like nature in the name of Samuel Waldoe of Boston in the Province of Massachusetts Bay Merchant, for and on behalf of Elisha Cook Esq^r and others of the said Province, was on the fifteenth of Aprill last referred by this Committee to the Lords Commissioners for Trade and Plantations ~ Their Lordships are hereby pleased to referr the said Petition of S^r Bibye Lake to the said Lords Commissioners, who are to receive the Opinion of His Majestys Attorney and Sollicitor Generall thereupon, as likewise upon the aforementioned Petition of the said Samuel Waldoe, in case they shall not Already have received their opinion upon the same And the the said Lords Commissioners are afterwards to make Report of the whole matter to this Committee with what they conceive proper to be done upon the said Petitions. ~

Temple Stanyan

To the Kings most Excellent Majesty

The humble Petition of S^r Bibye Lake Barr^t Grandson and Heir of Captⁿ Thomas Lake late of Boston in New England in America Merchant in behalf of himself and of Coll^l Edw^d Hutchinson of Boston aforesaid

Esq^r and John Walcot of Salem in New England Son and Heir of Josiah Walcot late of Salem aforesaid Esq^r deceased who with the said Edward Hutchinson were Grandsons and Heirs of Major Thomas Clark of Boston aforesaid Merchant deceased. ~

Sheweth

That in the latter End of the Year 1675 or in the beginning of the Year 1676 a Warr broke out with the Indians who Invaded the said County of Devon and killed the said Thos. Lake in Defence of the said Settlements and afterwards burnt ruined or destroyed all or the greatest part of the said Settlements and killed or drove away their Ten^{ts} & Cattle therefrom.

That the said Major Thomas Clark escaping the Indians, Survived the said Warr and afterwards returned to the said Lands and with the Concurrence & assistance of the Widow of the s^d Tho^s Lake yo^r Pet^{rs} late Grandmother Endeavoured with a very great Expence to Resettle the Pre^mies and to repair and Rebuild the severall Settlem^{ts} ruined or destroyed by the Indians aforesaid, and proceeded therein untill such time as a New Warr broke out with the Indians who again burnt ruined or destroyed all such their New Works and Settlements and killed or drove away their Tenants and Cattle from off the Pre^mies after which no further attempt could be made to resettle the same by reason of the frequent incursions of the Indians & of the Continued Warr or Hostilitys between them and the English in those parts untill the Peace was Concluded at Utrecht upon which Hostilitys ceasing Your Pet^r in Conjunction with the s^d Josiah Walcot and Col^o Hutchinson did after the s^d Peace of Utrecht in the Year 1714 send over from hence M^r John Watts a very Carefull and understanding Person to Arrowsick Island and the other Pre^mies in Order to resettle the same and did empower him to Settle there 100 ffamilys And the s^d M^r Watts did accordingly go over for that purpose with his Family And Your

Pet^r did Advance to the s^d M^r Watts the Sum of £2000 and upwards towards his proportion of the Charge to be Expended by him the s^d M^r Watts in making such intended Settlements Exclusive of what the s^d Coll^o Hutchinson and M^r Walcot did advance for that Purpose And the s^d M^r Watts was very Industrious in making severall Settlements and building and making severall Mills Houses and other Improvements for Convenience and Defence ag^t Insults from the Indians and had Settled there upwards of twenty Familys but died before he had Compleated all the intended Settlements upon whose death M^r Penhallow Marrying his Widow lived there and lookt after and took care of the s^d Settlem^{ts} in the best manner he could till a New Warr broke out with the Indians in or about the Year 1722 or 1723 when the Indians again invaded those parts and came down in a great Body and Burnt ruined or Destroyed all such Mills and Settlem^{ts} as the s^d M^r Watts had caused to be built on the s^d Island of Arrowsick for protection against them which together with some other Houses which were under the Defence thereof the s^d Indians severall times attacked and attempted also to burn or destroy but were repulsed and forced to retire from the same and which Houses are now Standing but the Indians killed or Drove away their Cattle from thence and also the Tenants and Cattle from their other Settlements.

That since this last Warr ended Yo^r Pet^r with the s^d Coll^o Hutchinson and M^r Walcot were endeavouring to Repair and resettle the Preñes and to Encourage sev^l Familys to go and Settle thereon but were prevented by Coll^o Dunbarr Surveyor Gen^l of Your Maj^{ty}s Woods in America who pretends some Instructions or a Commission from Your Maj^{ty} to make Settlement^{ts} within the Limits of their Lands and in other Places in the Eastern parts in the province of the Massachusetts and to Erect the same into a Separate Governm^t from that Province altho the same is included in the Charter granted

to the Subjects of the said Province, And notwithstanding the s^d Coll^o Dunbarr hath since his arrival there been waited upon and made fully acquainted by the s^d Coll^o Hutchinson with the matter aforesaid, and with his, M^r Walcotts, and yo^r Pet^{rs} Title to their S^d Lands and Premisses yet he insists that he shall be obliged to Enter upon and make Settlements therein unless Your Maj^{ty} shall be graciously pleased to forbid or restrain him from so doing.

That Coll^o Dunbarrs pretentions hath not only Discouraged all persons from going to Settle the Pref^{ies} but hath Terrified such Ten^{ts} as Your Pet^r & the s^d Coll^o Hutchinson and M^r Walcott have there, from enlarging or Improveing their Settlement^{ts} All which Your Pet^r apprehends his Duty humbly to represent to Your Majesty.

That Your Pet^r the s^d Coll^o Hutchinson and M^r Walcott being Intituled to the s^d Premisses by Purchase from the Indian Saggamores or Sachams Allowed of & Approved by the Generall Court for the Government of the Massachusetts Province and Confirmed by the severall Charters Granted to the Subjects of the said Province And they and their Ancestors having Endeavoured all that in them lay to Settle the Premisses at such great pains and expence and having from time to time Sustained such great Losses therein as aforesaid and being resolved to Compleat the same with all possible Speed which they humbly apprehend will be of great advantage to the Trade of this Kingdom.

Your Pet^r therefore in behalf of himself and the s^d Coll^o Hutchinson & M^r Walcott Most humbly prays your Majesty to Send the necessary Orders or Instructions to the said Coll^o Dunbar not to intermeddle or Molest Your Pet^r and the s^d Coll^o Hutchinson and M^r Walcott on the s^d Premisses to which they are legally Intituled as aforesaid, And that the s^d Coll^o Dunbarr do not Obstruct or disturb them, their Tenants and Agents in carrying on

their Settlements on any pretence whatever And that your Pet^r and the said Coll^o Hutchinson and M^r Walcott may be Quieted in the possession thereof under the Governm^t of Your Maj^{ty}s Province of the Massachusetts And may be at Liberty to proceed in Settling the Premisses without Molestation.

And your Pet^r shall ever pray &c^a

Recd 23^d } April 1731
Read 28 }

T. Pelham and Others to Gov^r Belcher

Whitehall July the 6th 1731

Sir,

Jon: Belcher Esq^r

Since our Letter to you of the 1st of December last, We have recived yours of the 5th & 10th of the same Month, 13th & 25th of Jan^{ry} 1st of March 5th & 26th of April last with the several Publick Papers refer'd to in your said Letters; and if you have not heard oftener from Us, in return thereto; It has been because till your last Letters, We did entertain some false hopes that the Assembly might have been prevailed on, to comply with his Majesty's Instruc^{tns} relating to your Salary. But since you now tell us in your two last Lrs that you have no Prospect of that kind, since you have neither come home yourSelf, nor deputed any Person according to your Instruction to lay an Account of this matter before his Majesty, We shall take an Opportunity of doing it, our Selves as soon as we shall know his Majestys Pleasure thereon, You may expect to hear again from Us. In the meantime We must acquaint you, that We have reported Our Opinion upon the Bill consented to, by the Council & Assembly for settling your Salary, which We can by no

means think a Compliance either with the Letter or Intent of his Majesty's Instruction.

In answer to that part of your last Letter, wherein you mention the Petition or Memorial from the House of Representatives to his Majesty against three of his Royal Instructions to you. We must observe that the People have an undoubted Right of addressing the Crown directly, without any prior Application to the Gov^r, if they think fit to take that Method tho the more decent Way would be to desire their Gov^r to transmit their Address.

We observe that you have wrote in your Justification against what you suppose may have been insinuated against you by Col^o Dunbar, But We are of Opinion that he had sufficient grounds for his apprehensions & he would have been wanting in his Duty if he had not sent us such information as he had rec^ded upon that Subject.

We thought it would be for his Majesty's Service that this Gentleman should be appointed his Lieu^t Gov^r of New Hampshire & to encrease his Authority as Surveyor of the Woods, and upon our Recommendatⁿ His Majesty has been pleased to appoint him accordingly But we presume he will always pay you that regard that is due to his Superior Officer, & wee doubt not but you will treat him as a Gentleman that bears his Majesty's Co^mmission of Lieutenant Governour.

We have considered the New Hampshire Bill for emitting £6000 in Bills of Credit and postponing the Payment of the Mony that shall be due on the 25th of April 1731; but We can by no means advise his Majesty to allow you to pass any such Bill, as it must in Consequence lower the Credit of the Province, whereby their Trade must greatly suffer: However that We may be the better able to judge of the State of the Province of New Hampshire with respect to their Paper Currency, we desire you will send us an Acc^t of the Paper Mony now current there; what Fund there is for sinking the

same? how it has been applied and what Discount their Bills are now lyable to.

We observe what you write concerning the Council of New Hampshire, but it will be time enough to consider of y^e persons you propose when we shall be informed whose vacancies you propose they should supply. In your L^r of the 23, of Jan^y last, You mention Seven Gentlemen of whom you say the Council consists, but you do not inform us whether the others who are nam'd in your Just^{ns} are dead, or whether they decline acting; We therefore desire you will send us a more perfect Acc^t of this matter.

So we bid you heartily farewell & are

T. Pelham

M. Bladen

Ja: Brudenell

Colonel Dunbar to M^r Secretary Popple.

Portsmouth New Hampshire July y^e 15th 1731

Sir

By Letters from my brother I understand that Governour Belchers friends deny that any force was sent down or any Jurisdiction exercised by His order at Fredericks fort, it is notorious that every child in the Country knows it, I need say no more but referr to the Inclosed papers which are copys attested by the proper Officers; It is no wonder they can deny matters of Fact, when it is courantly reported & believ'd here that Coll^o Tailer & the Committee here sent by M^r Belcher to ask unproper questions at Fredericks fort, were Onely putt in there by Stress of Weather, I sent you a Copy of what passed between Col^o Tailer & I at that place upon y^t Occasion, I have his Original and he has mine, & y^e making y^e least variation would be counterfeit, w^{ch} I hope none will

imagine, it would be hard to give a General bad character of any Country, but I will say that I never knew truth less regarded any where in my life than in New England, (I comonly mean by that, the Massachusetts province Onely and I beleive their behaviour has given many instances of it.

My brother gave me Hopes that my Lords Commissioners of the Admiralty would have sent a new Commission for a Judge of Vice Adm^{ty} for the Massachusetts instead of Mr Byfield before whom, Experience has convinced me, it is to no purpose to exhibit any libell, I took the liberty formerly in some of my letters to say it was very inconvenient to Have the Admiralty Court officers Here onely Dep^{ty} to those at Boston, and it would be great Ease to the people in the province of Maine if anything relateing to them in y^t Court, could be tryed here without goeing 60 Miles farther to Boston. it would be a very great convenieney to Me and My Deputys, as all the pine trees are in New Hampshire & Maine. pray recomend this to my Lords for their opinion & intercession for such commission for George Jaffrey Esq^r, no Deputy Judge of viceadmiralty here; I am

Sir Your Most Humble & Obed^t Servant

David Dunbar

*Recd 7th Sept^r }
Read Oct^r 19th } 1731*

Affidavit of Wentworth & Atkinson

Whereas certain intelligence was bro't to The Hon^{ble} David Dunbar Esq^r Lieu^t Governor of his Majestys Province of New Hampsh^e that at Casco about twenty leagues distant from this place, there were thirty Indian Canoes with a french Sloop, He Esteem'd it not only for the Imediate service of the Crown, but as his duty as Lieu^t Gover^r to view fort William & Mary, Accordingly on Saturday the 14th Instant, he

gave orders for the Impressing a boat for that occasion, on his landing at New Castle, near the Fort Attended by Theodore Atkinson Esq^r his Majesty Collector, M^r Henry Sherburn Clerk of the Sessions, & M^r Benning Wentworth, he sent for Coll^o Shadrach Walton, who had the Com^d of the Fort, by virtue of a Com^{is}sion he rec^d from Gov^r Belcher, but before the Messenger returned, the S^d Coll^o Walton pass'd by the Lieu^t Gov^r ~ After the Lieu^s Gover^r had saluted the Coll^o in a very civil manner, he told him he came down to see in what Condition the Fort was in, Coll^o Walton reply'd, he should not let him go into the Fort, haveing orders from Gov^r Belcher to keep the gates fast, & not to admit anybody in, especially the Lieu^t Gov^r who reply'd with the greatest moderation & temper, after such unpresidented treatment, and much to our surprize, that he demanded those orders, for that he conceived he had none such, neither did he Imagine it was in the power of the Gover^r to give such, as it always had been the Custom for the Lieu^t Gov^r of this Province not only to have the absolute Com^d of the Fort, but to reside in it, the Province haveing at the publick expence built a house there, to accomodate former Lieu^t Gover^{rs} and in which some of the Lieu^t Gov^{rs} predecessors have lived ~ On this Coll^o Walton sent his son for the orders he had from Gov^r Belcher, & walk't towards the Fort gate which he had order'd to be shut The Lieu^t Gov^r at the same time walking that way, & when he came to the Fort Gate with his cane knock't at the door, & demanded Entrance, which Coll^o Walton deny'd, upon which the Lieu^t Gov^r shew'd him the Kings Commission, & desir'd him to read it, Coll^o Walton told him he had heard it once read before, then the Lieu^t Gov^r said to Coll^o Walton, by virtue of the Kings Comissⁿ to me as Lieu^t Gover^r I demand the Gates of the Fort to be open'd, & entrance, which Coll^o Walton refused, saying that he had given orders to the Soldiers (being but

two in number) & under arms, not to open the Gates to the Lieu^t Gover^r pursuant to orders he had rec^d from Gov^r Belcher, & that he should follow those orders, & if Gov^r Belcher was in the wrong to give such orders, that he must answer for it, After this had pass'd the Lieu^t Gov^r told Coll^o Walton that for his disobedience to the Kings Co^mmissⁿ he ought to send him to Goal, in denying him entrance into the Kings fort, but that he should take other measures, & not raise a Company of the Militia, as was his duty to doe ~ Then the Coll^o said to the Lieu^t Gov^r I will read Gov^r Belchers orders, Accordingly, orderd his son to read them, to a crowd of fishermen standing by the Fort This being done, Coll^o Walton came to the Lieu^t Gov^r & told him that if he would go into the Fort as a private man, & not as Lieu^t Gov^r he would open the Gates, but that neither of the Gentlemen that came with him should enter, & so order'd the Gates to be open'd, but the Lieu^t Gov^r did not think fit to go in.

Province of

Benning Wentworth

New Hamp^e

Theodore Atkinson

The above mentioned Benning Wentworth Esq^r & Theodore Atkinson Personally appeared & made oath to the Truth of all the above written before us the Subscribers Two of his Maj^{es} Justices of the Province of New Hamp^e New England and members of his Maj^{es} Council for s^d Province.

Geo Jaffrey

Taken in perpetuam res memoriam,

R. Wibird

The Deposition of Theodore Atkinson Esq^{re} and Thomas Packer Merchant both of Portsm^o in the Province of New Hampshire Testify & say that they being often times in Company with Mag^r Jeremiah Moulton who is High Sherri^{ff} of the County of York in the Province of the Massachusets Bay and talking with the said Moulton about an Expedition he had been upon to ffredericks ffort who s^d he rec^d a war-

rant from the Justices of the s^d County of York by virtue of an order from Gov^r Belcher & the Council of the Massachusetts Bay and in pursuance thereof Did take up a Vessell and inlisted upwards of Thirty men all well Equiped with Arms & Amunition & Did proceed to Pemaquid harbour but the wind not allowing him to goe up to the ffort was forced into another harbour where soon after he saw a Canou coming up the river upon which he ord^d all his people to Conceal themselves when the Canou came with in call he Desired them to come on board the Vessell who answered him they could not tarry upon which the s^d Moulton ord^d his men to rise up and shew themselves & then told the people in the Canou that unless they imediately came on board he would fire at them & Sinck them on which the People on board the Canou being very much Surprized went on board the s^d Vessell & the s^d Moulton imediately secured them & that he stoped in That Harbour with the Vessell till he got as many people as he wanted stoping all that passed or repassed that way till he had Accomplished his Business & the s^d Moulton further told us that he was not Limited to any Certain number of men but might have Carry'd the whole County of York if he had tho^t proper ~ & further saith not

Theodore Atkinson

Tho^s Packer

Province of New Hamp^e }
in New England
July the 15th 1731

} Then Theod^e Atkinson Esq^r & M^r
Thos Packer Personally appeared
before us the Subcribers two of his
Maj^s Justices of the Peace for the
Province of New Hampshire afores^d
& made Oath to the Truth of the
above Deposition

Geo. Jaffrey

John Penhallow

Thomas Coram's Affidavit.

Thomas Coram of London Gent maketh oath That in the beginning of the Year one Thousand and Six hundred and Ninety four He this Depon^t did Carry from London to New England considerable Quantities of Merchandize and also Shipwrights and other proper Artificers (by the pmission of their then Majesty's King William and Queen Mary) to build Ships in that Country where he continued so to do untill the beginning of the Year One Thousand Seven hundred and four & then returned to London And Saith that during his Stay in that Country his Business led him into the knowedge of what parts of that and the Neighbouring Countreys were best adapted for producing Navall Stores and thereby soon understood That there was a large tract of Country between the River St. Croix at Nova Scotia & the River Kennebeck next to the Province of Main in New England was a fertile Soyle & afforded excellent Timber and Masts & was Capable of producing all sorts of Navall Stores in abundance & of vast Improvements for the benefit of this Kingdom & was near One hundred & Eighty Miles along the Sea Coast in a very good Climate and full of safe Harbours & Navigable Rivers but that the same laying waste & Uninhabited having not one English Subject thereon Except a few poor fellows who had been sent by the people of the Massachusetts to be as Soldiers in a small ffort at a place called Pemaquid in the said Tract of Country which ffort had been built by King James the Second whilst Duke of York, & many ffamilys had been Setled there and at other places on the said Tract but were all Destroy'd or drove away & the ffort Demolished by the Indians then in the ffrench Interest when the Inhabitants of the Massachusetts had Seized and Imprisoned the Governour and other officers of the Crowne who Commanded that ffort & Country And on the Revolution which happened in

England in the Year of our Lord One Thousand Six hundred and Eighty-Eight That whole Tract of Country was left to the ffrench & Indians And this Depon^t further Saith that Notwithstanding the Charter granted by their late Majestyes King William & Queen Mary to the people of the Massachusetts Bay in New England they did not attempt to Settle any Inhabitants upon the said Tract of Land but only rebuilt or repaired the s^d Demolished ffort at Pemaquid in the Year One Thousand Six hundred & Ninety two or One Thousand Six hundred & Ninety three for a show of their Government over the said Tract & therein left a few of their Own Men raw & Undisciplined to be as Soldiers where they remained in a Naked Starving & Comfortless Condition being above One hundred Miles distance from any House or Settlement which occasioned great Uncasiness in those Men & particularly in Captⁿ March the Commander of the s^d ffort who not thinking himself safe there petitioned the Government at Boston to be Dismissed & accordingly Obtained Liberty to retire home to the Massachusetts & leave the Command of the said ffort to his Lieutenant John Chubb And this Depon further Saith that he hath been credibly informed & verily beleives that on or about the Month of August or September in the Year One Thousand Six hundred & Ninety Six Two ffrench Trading Ships to Newfoundland or Canada came before Pemaquid and Landed some Men and planted a few small Mortars against the ffort and Demanded it for the ffrench King and threatned all with immediate Death in Case of Refusall And thereupon the said Lieutenant Chubb and his Men being glad of the Opportunity to be released from thence would not make any Defence but Delivered up the said ffort and Country without the least Resistance and Surrendred themselves Prisoners to the persons on Board the s^d ffrench Ships who Demolished the said ffort carryed the s^d Chubb & his Men from thence and left not any one living

English Subject in any part of the said Tract of Country or it's Islands between the River S^t Croix and the Province of Main which bounds on the River Kennebeck The Governm^t of which said Tract of Land was afterwards by the ffrench King Committed to his Governour of Nova Scotia where his next Garrison was and it remained in possession of the ffrench at and after the Peace of Reswick which was concluded in the Year One Thousand Six hundred and Ninety Seven And this Depon^t further Saith that he was well informed & verily beleives That in the year One Thousand Six hundred & Ninety Eight in time of Setled peace the ffrench built a Church on their said New Conquest near the River Kennebeck for a standing testimony of their Right to and possession of the s^d Tract of Country of which an account was Sent by the late Lord Bellemont then Governour of New England in the Year One thousand Seven hundred to the then Lords Com^{rs} of Trade & plantations & his Majestyes principall Secretary of State After which repeated Orders were sent from Court to the Governour of New England to press the Gen^l Assembly of the Massachusetts to repossess themselves of the said Tract of Country which had been given up to the ffrench as aforesaid & to Rebuild the said ffort therein for defending the Same & to Settle familys thereon And in the Second Year of her late Majesty Queen Ann The then Governour Coll^l Dudley did in a very strong Manner press the said Generall Assembly then to regain the said Tract of Country from the ffrench & to Settle Inhabitants thereon & to Rebuild the said ffort for their Defence But the said Generall Assembly absolutely refused to do it Alledging That should they put their province to the Expence of regaining the said Country & Setling the same with Inhabitants & Building a ffort thereon the Land would still be the Queens & Her Majesty might give it to whom she pleased after they should have putt their province to such vast Expence And then

Insinuated as if from the advice given them from their Agent in England her said Majesty had a Designe to give the said Tract of Country to Coll^l Dungan (then or since Lord Limerick) for his Setling the Same with Roman Catholicks from Ireland for which reason they Unanimously psisted in their Resolution not to put their province to any expence about it of all which Transactions of the Government & Gen^lall Assembly of the Massachusetts Bay relating to the afores^d Tract of Country this Depon^t who then lived there not only took particular notice of himself But also was from time to time informed thereof by M^r Urian Oakes then Speaker of the House of Representatives of the Massachusetts Province And this Depon^t was the more desirous to know what passed relating to the s^d Tract of Country because he always thought that from the Nature of the Soyle and Scituation thereof it might be made very beneficial to the Crown And this Depon^t Saith that the s^d Tract of Country remained in the p^ossion of the ffrench fourteen years and untill it was retaken together with Nova Scotia by Gen^lall Nicholson with some Troops sent from hence by her late Majesty in the Year of our Lord One thousand Seven hundred and tenn at which time Nova Scotia together with the said Tract of Country was Surrendered by Monsieur Subrecass the then Governour thereof for the ffrench King to the s^d Gen^l Nicholson for the Queen of Great Britaine upon Articles which expressly included all the Land from Cape Gaspee to the River Kennebeck which till then was actually in the p^ossion of the ffrench King Which articles of Surrender from the s^d Gov^r Subrecass to the said Gen^l Nicholson As also the ffrench Kings Commis- sion to his said Governour for the Territory of accada ~ (so called by the ffrench) particularly expressing all the Lands from Cape Gaspee (which is near the mouth of the Great River of S^t Lawrence or Canada) to the River Kennebeck this Dep^t saw in the hands of the said Gen^lall Nicholson a

little before his death which happened on or about the sixth of March One thousand and Seven hundred & twenty Seven, Eight, which Territories this Depon^t has been informed were yeilded by the ffrench King to the Crown of Great Britain by the Treaty of Utrecht

Jurat Septimo Die January

Thomas Coram

Anno Dñi 1730 Coram Tho: Bennett

James Alford's Affidavit

James Alford late of Boston in New England but now of London Merchant Ebenezer Wentworth of Portsmouth in the Province of New Hampshire in New England Gent but now in London & William Wentworth late of Portsmouth aforesaid in the province of New Hampshire aforesaid in New England Shipwright but now of the parish of Limehouse in the County of Essex Joyntly and severally make Oath as followeth and first this Dep^t James Alford Sayth that he was born at Boston in New England aforesaid & continued there from the time of his birth to the year One thousand Seven hundred & twenty Eight being thirty years and upwards And all those Dep^{ts} say that they neither know beleive or ever heard that the ffrench ever made or attempted to make any Settlements or improvem^{ts} on any part of the Land lying between the River Kennebeck in New England & Nova Scotia which had they done these Dep^{ts} assuredly beleive they must have heard of the same and this Dep^t James Alford for himself Sayth that during the whole time of his being in New England aforesaid there was constantly chose every Year one Councillor for Sagadahock and this Dep^t Ebenezer Wentworth for himself Sayth that he hath heard & been credibly

informed & always understood & took it & believed as he still does That a Councillor was & is annually Chose for Sagadahock aforesaid & this Dep^t James Alford for himself Sayth That during such the time of his being in New England as aforesaid to the Year One thousand seven hundred & twenty six there was almost constant Warrs between the Province of the Massachusetts Bay & New Hampshire & the Indians bordering upon them to the very great expence & loss of Men & money to the said provinces there not being a continued peace between them for three years together at any one time during this Dep^{ts} knowledge of New England to the best of this Dep^{ts} knowledge and beleife and to which warrs as all these Dep^{ts} verily beleive it is wholly owing that the Eastern parts of the said province of Massachusetts Bay are not now in an improved Setled Condition

Omnes Jurat fuer 28 die January 1730

Coram

J Bennett

James Alford

Eben^r Wentworth

William Wentworth

Affidavit of John Blower and Others

John Blower Esq^r Captain of one of his Majesty's independent Companys at Plymouth James Erskine Lieuten^t in the Regim^t Comanded by Coll^o Phillips & James Alford late of Boston in New England now of London Merchant Joyntly & Severally make Oath as followeth And first all these Dep^{ts} say that they very well reñber the Expediçon made in the Year 1710 by the English fforces under Generall Nicholson as Comander in Chief ag^t Port Royall now called Anapolis

Royall in Nova Scotia then in pōssion of the ffrench under the Comand of Monsieur Subrecass the then Governour thereof under the ffrench King & all these Dep^{ts} say that to the best of their remñbrance & beleif the fforges engaged in such Expediçon consisted in Detachments of about 500 Mariners sent from England under the Comand of Coll Reading & 4 Regim^{ts} raised in New England by the Severall Governm^{ts} there but principally by the Massachusetts Bay consisting in the whole of about 2000 men which Regiments were Comanded by S^r Charles Hobby Coll William Taylor Coll Whiting & Colonel Shadrak Walton & these Dep^{ts} say that the forces so raised in New England were subsisted & paid by & at the Expence & Charge of the Severall Governm^{ts} in New England who raised them together with a sufficient Number of Vessells to transport them to Port Royall and these Depon^{ts} say that on such Expediçon Port Royall was taken by the English the said ffrench Governour Surrendring the same together with the province of Nova Scotia to the English & these Dep^{ts} can speak with the greater certainty to the rñres afores^d this Depon^t John Blower Serving in the s^d Expedition as Cap^t Lieuten^t in the Regim^t comanded by Coll Walton & this Dep^t James Erskine served in the said Expediçon as Ensign to the Regim^t Comanded by Coll Taylor & this Dep^t James Alford was at the time of the Said Expediçon at Boston in New England And these Dep^{ts} say that besides the Land forces above mençoned there were also three or four of her late Matyes men of warr & a Bomb Ship & a Galley belonging to the province of the Massachusetts Bay Employed in the said Service

Omnes Jurat 13^o die

January 1730 Coram

John Blower

James Erskine

James Alford.

W. Wharton

Samuel Penhallow's Affidavit.

Samuell Penhallow late of New Hampshire in New England Merchant and now resideing in London maketh Oath and Saith that he this Deponent in or about the year One thousand Seven hundred and thirteen or One thousand seven hundred and ffourteen became Acq^{ted} with M^r John Watts att Boston in New England afores^d who this Depon^t was informed and verily beleives was Employed by S^r Bibye Lake and Collonell Hutchinson to make Settlem^{ts} in the Eastern parts of New England & this Depon^t saith that in the year One thousand seven Hundred & Eighteen he this Depon^t went from Boston to Visit his Bro^r Cap^t John Penhallow at the town of Augusta ats Small point who was Justice of Peace & Co^mmanded the ffort of the said Town and with his said Bro^r went from thence about seven Miles by land to the River Kennebeck which they Crost to Arrowsick Island where they went to a well ffortified Brick house & as he was Informed & verily beleives was built by the said John Watts de^{ced}ed and then in the p^{oss}ion of Eliza Watts his widdow & this Dep^t did also vei^w the Town (Called George Town) on the s^d Island of Arrowsick Consisting then of about forty very good Dwelling houses some of which were Garrisoned since which the Above s^d Cap^t John Penhallow Intermari^d with the said Widdow Watts and Co^mmanded the said ffortified Brick house wherein were placed a Number of Soldiers under the pay of the Massachusetts Bay as Declared by the s^d Cap^t John Penhallow to this Depon^t which this Depon^t verily beleives to be true And this Depon^t did see upon the said Island some numbers of Cattle which this Depon^t verily beleives belonged to the Inhabitants thereof who held their p^{oss}ions by vertue of some Grant from Collonell Hutchinson and M^r Watts Agent for s^d S^r Bibye Lake as this Depon^t was there Credibly Informed And this Depon^t saith that he

together with M^r Thomas Sanford of London Merchant are now Empowered by a L^re of Attorney from the said Captain John Penhallow this Deponts s^d Mother and his said Wife late widdow of the said M^r Watts to adjust accounts with S^r Bibye Lake for mony laid out and Expended by the said M^r Watts in his life time about and in bringing forward the Settlementt and touching the said Captain John Penhallow and his said Wife's being Concerned in the Management of the s^d S^r Bibye Lakes affairs there as aforesaid

Sam^l Penhallow
 Jue Vicesimo secundo die July
 Millimo Septingessimo & trisessimo
 primo Coram me

Exam^d 23 July 1731

J Lightbourn

William Clark's Affidavit

William Clark of Boston in New England Gentl now resideing in London maketh Oath and saith that he this Dep^t went to accomp^y the late Lieuten^t Gov^r Dummer in the Year One thousand Seven hundred & twenty six into the Eastern part of New England when the said Lieuten^t Gov^r went there in order to Ratifie a peace with the Indians and in the said progress he this Dep^t sailed up Kennebeck River and went a Shoar on the Island of Arrowsick where he this Dep^t then saw ab^t twenty very good Dwelling houses (Inhabited by English ffamilyys standing on the s^d Island called Arrowsick one of which lyeing near the said River Kennebeck was a very strong ffortified & walled Brick house planted with Cannon in which were placed Soldiers Com^danded by

Cap^t John Penhallow in the pay of the province of the Massachusetts Bay for the Defence of the said Island and Inhabitants & ano^r of the said houses was also a ffortified house or Garrison And this Dep^t saith that he hath been Informed & Verily beleives all the said ffamilys so Inhitting the said Island held or pössed the same under the title or by vertue of some Grant from S^r Bibye Lake Coll^l Hutchinson M^r Walcott or one of them And this Dep^t further saith that one of the Inhittants went with him this Dep^t to the place where great part of the Town (Called George Town) on the said Island formerly stood att which place he saw the ruins of a great Number of houses which this Dep^t was Credibly informed had been burnt down or destroyed by the Indians in the last Warr And att which time he this Depon^t was further Informed that a Number of Cattle were also destroyed in the said last war And this Deponent saith he was alsoe about the same time att a place Called Richmond lyeing to the Northward of Arrowsick Island on the River Kennebeck aforesaid where he saw a large ffort or Garrison house ffortified with ten Cannon and a Number of English or New England soldiers Commanded by one Captain Joseph Heath who were all in the pay of the province of the Massachusetts Bay.

William Clarke

Jue Vicesimo die July Mitimo
septingessimio & tricessimio primo
Coram me

Exam^d 21^o July 1731

J. Bennett

Affidavit of Ebenezer & William Wentworth

Ebenezer Wentworth of Portsmouth in the Province of New Hampshire in New England Gent but now in London
& William Wentworth late of Portsmouth aforesaid in the

Province of New Hampshire afores^d in New England Shipwright but now of the parish of Lime house in the County of Essex Jointly & severally make Oath as follows & first this Dep^t Ebenezer Wentworth Sayth that he hath very well known & been acquainted with the province of the Massachusetts Bay in New England & most of the Publick transac^õns thereof from the Year One thousand Seven hundred and twenty six for near forty years preceeding And this Dep^t W^m Wentworth Sayth that he was borne in the said Province of New Hampshire & was well acquainted with & very well knew the said province of the Massachusetts Bay & the publick transac^õns thereof from on or about the year 1690 to the year 1710 and both these Dep^{ts} say that during all the said time that these Dep^{ts} so respectively knew & were acquainted with the s^d Province of the Massachusetts Bay & the publick transac^õns thereof there never was to the best of these Dep^{ts} knowledge rem^õbrance & beleife a continued Setled Peace with the Indians bordering on the s^d province & the province of New Hampshire that held three yeares together but notwithstanding there were severall treaties of Peace entred into between the said provinces of the Massachusetts Bay & New Hampshire & the Indians, Yett these Dep^{ts} say the same was Constantly broke once in every two or three Years & during the time of the late ffrench warr there was almost a constant state of warr between the said Provinces of the Massachusetts Bay & New Hampshire & the severall Nations of Indians bordering upon them & which warrs with the Indians were often long bloody & expensive warrs And this Dep^t Ebenezer Wentworth for himself sayth that about 40 years since to his best rem^õbrance and beleife as to the time a Brother of this Dep^{ts} named Daniel Wentworth lived with Elihu Gurinson a noted shipwright of that County at a late Town called Sheepscutt at or near Penamquid lying in the Eastern part of New England where this

Dep^{ts} Brother lived severall Years And this Dep^t W^m Wentworth for himself Sayth that he hath often heard his father in Law William Tucker deçed who was a ffisherman belonging to the said province of Massachusetts Bay say that he had often Sayled to the harbour of the said Town of Sheeps-cutt & cured ffish there which Town of Sheeps-cutt was long since burnt & destroyed by the Indians in the Warrs as both those Dep^{ts} have been credibly informed & beleive & both these Dep^{ts} say that they have often heard & been credibly informed & do verily beleive that the Inhabitants of the Province of the Massachusetts Bay have often during the short Intervalls of Peace they had with the Indians Attempted to make Settlements in the East parts of New England but on the fresh breaking out of the warr that ensued they were drove from off the Land & what Settlem^{ts} they had made were destroyed and which Information both these Dep^{ts} the rather beleive to be true they having seen severall of the ruins of such demolished Settlem^{ts} & well knows the distressed Circumstances severall of the people were reduced to who had begun such Settlem^{ts} by their being so drove from the Same by the Indians & by the Indians demolishing thereof.

Ambo Jurat fuer 26: die

January 1730 Coram

Eben^r Wentworth

J Bennett

William Wentworth

Reçed 14th August
Read 1st of Septembr } 1731

To the Right Honourable the Lords
 Commiss^{rs} for Trade and Plantations

May it please Your Lordships

In obedience to your Lordships Commands signified to us by M^r Popple referring to us the State of a Case here-

unto annex concerning the Right to a Tract of Land lying between the Rivers Kennebeck and S^t Croix, and directing us to hear both parties and report our opinion in point of Law thereupon to your Lordships.

And also in obedience to your Lordships Commands signified to us by M^r Popple referring to us the several annex'd Petitions of S^r Bibye Lake Baronet and others, and of Samuel Waldoe Merchant on behalf of Elisha Cook Esq^r and others, and directing us to report our opinion upon the same to your Lordships, We have considered the said state of a Case and Petitions and find, that the said state of a Case sets forth, That by the Massachusetts Charter it is ordained, That the Territorys and Colonys commonly called and known by the name of the Colony of the Massachusetts Bay and Colony of New Plymouth, the Province of Main, the Territory called Accada or Nova Scotia and all that Tract of Land lying between the said Territory of Nova Scotia and the said Province of Main be Erected United and Incorporated unto one real province, by the Name of the Province of the Massachusetts Bay in New England.

And that their Majestys do thereby grant unto the Inhabitants of the said Province or Territory of the Massachusetts Bay and their Successors all that Part of New England in America lying within the Boundarys in the said Charter particularly mentioned, And also the Lands and Hereditaments lying and being in the Country or Territory commonly called Accada or Nova Scotia, And all these Lands and all these Lands and Hereditaments lying and extending between the said Country of Nova Scotia and the River of Sagadahock (or Kennebeck) or any part thereof, and all Lands, Grounds, Places, Soils, Woods and Wood Grounds, Havens, Ports, Rivers, Waters and other Hereditaments and Premisses whatsoever lying within the s^d Bounds and Limits aforesaid, and every part and Parcel thereof, and also all Islands and

Isletts lying within ten Leagues directly opposite to the Main Land within the s^d Bounds and all Mines and Minerals as well Royal Mines of Gold & Silver as other Mines and Minerals whatsoever in the said Lands and Premisses or any part thereof, To have and to hold the same with their & every of their appurtenances to the said Inhabitants of the Massachusetts Bay and their Successors to their only proper Use and behoof for evermore, To be holden of their Majestys as of their Mannor of East Greenwich &c. Yielding therefore yearly one fifth Part of all Gold and Silver Oar &c.

That in the Clause of the said Charter directing the choice of the Counsellors or Assistants of the said Province who are to be 28 in Number, It is Ordered that 18 of them at least shall be Inhabitants or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay, and 4 at least of the Inhabitants or Proprietors of Land within the Territory formerly call'd the Province of Main, and one at the least of the Inhabitants of or Proprietors of Land within the Territory lying between the River of Sagadahock & Nova Scotia.

That there is power given to the Governour & Council to impose Taxes &c upon the Estate & Persons of the Inhabitants or Proprietors of the said Province.

That in the s^d Charter is the following Proviso.

Provided that it shall and may be lawfull for the said Governour and General Assembly to make or pass any Grant of Lands lying within the Bounds of the Colonys of the Massachusetts Bay, and Now Plimouth and Province of Main in such manner as heretofore they might have done by Vertue of any former Charter or Letters Patents, which Grants of Lands within the Bounds aforesaid, We do hereby Will and Ordain to be and continue for ever in full force and Effect without our further Approbation or Consent, And so as nevertheless And it is our Royal Will and Pleasure that no

Grant or Grants of any Lands lying or Extending from the River of Sagadahock to the Gulph of S^t Lawrence and Canada Rivers and to the Main Sea Northward and Eastward to be made or past by the Governour or General Assembly of Our said Province, be of any Force, Validity or Effect, until We Our Heirs and Successors shall have Signified our or their Approbation of the same.

That within the Tract of Land lying between St Croix and Sagadahock is a place called Pemaquid, where there was a Fort built by James then Duke of York, to whom that Tract was granted by King Charles the second in 1664, in order to preserve it from the Indians; but the Indians afterwards assisted by the French made an Incursion into the said Tract of Land, & not only demolished the said Fort, but also destroyed many Familys then in a flourishing Condition which had been Settled there under the said Grant to the Duke of York.

That soon after the said Charter was Granted S^r W^m Phipps was appointed Governour of the Massachusets in whose time the said Fort of Pemaquid was rebuilt which was done for a shew of their Government over that Tract of the Country, but no Settlements or Familys were made therein, and the place being in a naked & Defenceless Condition, it was in 1696 taken by the French, who demolished the said Fort at Pemaquid, & the French King put that part of the Country under the Government of his Governour of Nova Scotia where his next Garrison then was And it remained in Possession of the French after the Peace of Reswick.

That the French as a Testimony of their Right to and Possession of the said Tract, built a Church at the River Kennebeck or Sagadahock.

That Joseph Dudley Esq^r (then Governour of the Massachusets several times by orders from her then Majesty) pressed the House of Representatives to rebuild the Fort and

restore the Fortifications at Pemaquid, upon which the House of Representatives in their Address to the Queen express themselves as follows,

As to the building a Fort at Pemaquid,

The Expenses already made on our Fortresses, Garrisons, Marches, and Guards by Sea amounting to more than £80000, a great part whereof is in arrear and unpaid, besides the daily charge for our necessary Defence and the Prosecution of the War, is become almost insupportable, & has brought us under very distressing Circumstances, and were the building a Fort at Pemaquid superadded thereto, It would render the Charge far beyond our ability, and we humbly conceive would be no Security to our Frontiers, or Bridle to the Indians, the Situation thereof being so much out of their ordinary road and upwards of One hundred Miles distant from any part of this Province at present Inhabited by the English, and of little or no advantage to this Province although the Expence in building and supporting the late Fort at Pemaquid cost not less than £20000, which was not lost by any neglect of the Governm^t it being fully supplied for the Defence and Support thereof, but by the Cowardice or Treachery of the then Commanding Officer upon the Place, who received his Tryal, but was acquitted.

That the s^d Tract of Land continued in possession of the French to the Year 1710, when it was retaken by General Nicholson with some Troops sent from home to take Nova Scotia, which together with the said Tract was then Surrendered to the said General by the French Governour, & which was afterwards yielded to the Crown of Great Britain by the twelfth Article of the Treaty of Utrecht.

That Col Shute (Governour of the Massachusets), by His late Majestys Orders recommended to the House of Representatives the refitting the Fort of Pemaquid, or the building some Fort near that place that might be a greater Security

to their Frontiers, upon which the said House of Representatives sent the following Message to the Governour,

That upon a further consideration of his Excellencys Speech to the Court at the beginning of last Sessions, the House are humbly of Opinion that considering the low Circumstances of this Province and the heavy debts that are upon it, that His Majestys Subjects here are not able to come into so great a Charge as the rebuilding the Fort at Pemaquid would be, and that in case of a Rupture a Fortification there would be no great security to the Lives and Estates of His Majesty's Subjects here, as our past Experience has abundantly convinced us, By reason that Pemaquid is at so great a distance from our English Settlements, But that at all times what shall be necessary for the defence and preservation of the Governm^t here, We as good and loyal Subjects shall readily & cheerfully comply with.

That this Tract of Land (which is reputed part of Nova Scotia) did thus lye wast and uninhabited thô capable of very great improvements, and by the situation thereof the Lands in those parts with respect to their Produce, Harbours and Fisherys are of more value than any others in that part of America and would produce considerable Quit Rents, if the right thereto is in the Crown, so that the title to the Government as well as to the property in the Soil is of very great consequence, And therefore upon a Representation to His Majesty in Council that some Protestants from Ireland and from the Palatinate were desirous to Settle upon the said Tract of Land lying between the Rivers S^t Croix and Kennebeck (Sagadahock) extending about one hundred and Eighty Miles in length on the Sea Coast, His Majesty directed that His Surveyor of the Lands in Nova Scotia should assign them Lands according to their desire, which he accordingly did about a Year ago, and several Familys are now Settled thereon & improving the same, which were afterwards to be ratified to them.

That the Inhabitants of Massachusetts Bay who 'till this time always neglected the said Tract of Land as very inconsiderable and not worth their notice claim not only a Right to the Government but also to the Lands in the said Tract and the Government there threatens to drive the Familys (now settled there) immediately out of the same.

That the Inhabitants of the Massachusetts do not now pretend any Right to that part called Nova Scotia which is likewise included in their Charter, And the s^d Tract of Land is reputed part of Nova Scotia tho it is differently described in the Charter.

Upon this state of the Case the Questions proposed to us were, Whether the Inhabitants of the Massachusetts Bay (if they ever had any right to the Governm^t of the s^d Tract of Land lying between S^t Croix & Kennebeck (or Sagadahock) have not by their neglect & even refusal to defend, take care of and improve the same, forfeited their s^d Right to the Governm^t, and what Right they had under the Charter and now have to the Lands.

Whether by the said Tract being conquered by the French and afterwards reconquered by General Nicholson in the late Queen's time, and Yielded up by France to Great Britain by the Treaty of Utrecht that part of the Charter relating thereto became vacated & whether the Governm^t of That Tract and the Lands thereof are not absolutely revested in the Crown, and whether the Crown has not thereby a Sufficient Power to appoint Govern^{rs} and Assign Lands to such Familys as shall be desirous to Settle there.

x x x x x x

That the said Thomas Leveret Survived the said John Beauchamp, by vertue whereof he became Solely Entitled to the Benefit of the said Grant, and on his Decease all the said Lands and Premisses became vested in the said John

Leveret Son of the said Thomas Leveret the surviving Grantee to whom the Petit^r Mary Rogers is Heir at Law.

That S^r William Phipps then Governour of New England, not knowing, as it is presumed, of the s^d John Leveret's Right to the said Land, Treated and agreed with Madakowando who was Sacamore or Chief Sachem or King of the Penobscot Indians for the purchase thereof, and accordingly the said Madakowando for a valuable Consideration by his Deed Poll dated the Ninth of May 1691, Granted Released, Confirmed Enfeoffed, Bargained and sold the said Lands and Premises to the said S^r W^m Phipps in Fee, which Deed was afterwards, Viz^t the Tenth of May 1694, Personally acknowledged by the said Madakowando before two of the Members of His then Majesty's Council of Massachusetts Province, and has been since acknowledged and allowed of by the Chief Sachems of the Indians and their Tribes, and Particularly was shown to and acknowledged and allowed of by them so lately as the fourth day of August 1726.

That after the Peace of Utrecht which was also attended by a Peace with the Eastern Indians of New England, the said John Leveret formed to himself an intention of resettling the said Land with all possible Vigour and dispatch, but in regard all the old Settlements were demolished, apprehending the undertaking too Extensive for a Single Person, he invited and agreed with Several Gentlemen of considerable Substance & Fortune to associate and join with him therein, and having brought his Designs to a degree of Maturity in the Year 1719, that nothing might lay in his way, and to remove all possible obstructions, and as an additional strength to and confirmation of his Title & thereby the more to encourage his Associates to carry on the said Settlements with Spirit and Vigour, the s^d John Leveret treated and agreed with Spencer Phipps Esq^r adopted Son and Heir and also Devisee of the s^d S^r W^m Phipps to purchase out his Interest in the said

Premises and accordingly the said Spencer Phipps by his Deed Poll Indorsed on the said Indian Purchase Deed and bearing date the 13th day of August 1719, for a full and valuable consideration, released, Assigned conveyed & confirmed to the said John Leveret as well the said Deed from the said Madakowando to the s^d S^r W^m Phipps as also all the Tracts and parcels of Land thereby granted & conveyed to the s^d S^r W^m Phipps & which are mentioned in the s^d Deed to be then in the Seizin and Pössion of the s^d Leveret with their appurtenances, to hold to the said John Leveret his Heirs and Assigns to his and their only proper use & benefit for ever.

That the said John Leveret having thus a secure Title in him to the said Tract of Land both by Grant from the Crown and by Purchase from the Indians which is always held inviolable in these parts, & having associated several gentlemen of considerable fortune to join with him in Settling and improving these Lands, for the better effecting the same, the s^d John Leveret by Deed of Association bearing date the 14th of Aug^t 1719, admitted & joined the Petit^{rs} Elisha Cook, Nathaniel Hubbard, Hannah Davis, Roberta Loyd, Sarah Byfield, John Bradford and Spencer Phipps as Associates to and with himself in the said Lands and Premises conveying to each of them such parts and Shares of the said Lands as in the said Deed is particularly mentioned, And by another Deed of Association bearing date the 15th day of the same month of Aug^t between the s^d John Leveret & the last named Pet^{rs} of the one part, and the Pet^{rs} Iahaleel Brenton, John Clarke, Samuel Brown, Tho^s Fitch whose Right is vested in the Pet^r John Fitch, Adam Winthrop, Samuel Thaxter, Oliver Noise, Stephen Minott, Anthony Stoddard, Thomas Westbrook, Thomas Smith, John Smith, Joseph Appleton whose Right is now vested in the Pet^r Nathaniel Appleton, Thomas Fairweather, Henry Franklyn, Gilbert Bant, Benjamin Brousdén, W^m Clarke, John Oulton, Jona-

than Waldo, Cornelius Waldo, and John Jeffries of the other part, reciting the several Deeds afores^d, the s^d last named Pet^{rs} and those under whom they Claim as afores^d are admitted and joined together as Associates in the said Land and Premises and such parts thereof allotted to them as in the said last Deed is particularly mençoned the whole to be divided into 30 equal parts. To be holden by all the s^d Pet^{rs} and those under whom they claim as aforesaid, their respective Heirs and Assigns for ever as Tenants in common, and to be no Survivorship, with proper Covenants, each obliging the other to procure People to Plant, Settle and Inhabit two Towns of Eighty Familys each in a Christian manner in & upon the s^d Tract of Land, under such Limitations, Conditions and Reservations as in the said Deed is expressed, and to erect two Saw Mills on the s^d Land, and for the better Ordering and Regulating the said designed Settlements, It was Covenanted and Agreed that the Extent as the said two Towns should be described, and that the same should be laid out in a regular and defensible manner upon S^t Georges River, and that proper Lotts in each Town should be set apart for a Minister and a School unalienable, and that Lands should be also set apart to be bestowed on the Settlers in the said Townships, with Covenants for the Association to do the utmost for the compleating and perfecting of the said designed Settlements.

That the rest of the Pet^{rs} have Since Purchased several parts of Shares from the other Pet^{rs} in the said Lands.

That hereupon the Pet^{rs} and those under whom they Claim immediately began making the said Settlements, and soon after they agreed to have as much Land broke up and cultivated as would accomodate a sufficient Number of Familys at least, and the Houses for their reception to be made comfortable, and in order to prosecute and effectually bring forwards the said intended Settlem^t they built and finished two

strong large Blockhouses, with a covered way from them to the Waterside, to secure the Men from the Incursions and Injuries of the Indians who daily resorted there in great numbers, & oftimes threatened those employed in Building & clearing the Land, who used several stratagems to get them from off those Lands; And the Pet^{rs} also built a double Saw-Mill to facilitate the Settlem^{ts}, and bought a Sloop and hired men to transport People and their effects, besides several other Sloops employed by them in the said Undertaking, and had for above 12 Months a Captain and 20 Soldiers, whom they paid and subsisted in the said Blockhouses, and who were provided with great and small artillery to defend themselves and the Workmen from the attacks of the French Indians at the sole Charge of the said Association.

That by this means notwithstanding the great many disturbances they received from the French Indians, the Pet^{rs} very vigorously pushed forwards in Settling & bringing those Lands into a Capacity of receiving and Securing a Number of Inhabitants, and actually built and erected several Houses thereon.

That in June 1721, the French Indians to the Number of 200 Surprized took and burnt one of the Pet^{rs} Sloops, & killed one of their Men and took Six Captives, & then immediately made up in a Body to the Blockhouses, & the next day attacked them with firearms for several hours, and used several devices to have burnt the Blockhouses; but were defeated by the Courage of the Men employed by the Pet^{rs}; But in this Attack the Pet^{rs} were great Sufferers, the Indians having killed one and taken Six Prisoners, burnt their Saw Mill, a large Sloop and sundry Houses, and killed many of their Cattle; But notwithstanding this great destruction made on the Pet^{rs}, they still kept and maintained the two Block-houses with Men and Warlike Stores and provisions for several months afterwards, although the Governm^t of the

Massachusetts had proclaimed War with these Indians and the other Eastern Tribes.

That the Pet^{rs} being by this War incapacitated from pursuing the Settlem^{ts} they had so successfully began, were obliged to desist therefrom, but they yet held the two Block-houses and defended the same against a Siege laid to it by the Indians for twelve days together, and killed twenty of the Enemy, and apprehending the same might be of great Service to the Massachusetts Governm^t in carrying on the War, and until the Pet^{rs} should have occasion to use them for the purposes at first designed, which offer the Governm^t accepted, and to whom they proved of great service in the War, and were the sole means of keeping that part of the Country from falling into the hands of the Indians, and have ever since continued under the Protec^{ti}on of the Governm^t, and since the War ended a Truck-house is erected in the Block-houses which are used as Magazines or Storehouses for Indian goods.

That on the ending that War, the Pet^{rs} again resolved to go on with and continue their s^d settlem^{ts}, and for that purpose, they applied for, and obtained a Letter from Samuel Shute Esq^r then Governour of the Massachusetts Bay, to the Chief of the said Penobscot Indians to facilitate the Pet^{rs} going on with and finishing their said Settlem^{ts}, But soon afterwards another War broke out with those Indians which then prevented the Pet^{rs} further proceeding in their intended Settlem^{ts} But a Peace being again Concluded with them some short time before M^r Burnet's coming to that Governm^t the Pet^{rs} being still intent and resolved on bringing forward and finishing the said Settlem^{ts} obtained a like letter from Gov^r Burnet as they had before done from Gov^r Shute and were going on to Settle and improve those lands with all possible vigour and dispatch, and had actually got a minister and 120 Familys ready to go and Settle one of the intended Towns,

But to their great Surprize, disappointment and loss, the Pet^{rs} have met with an Interruption herein from David Dunbar, Esq^r Surveyor General of His Majestys Woods in America, who being waited on by a number of the Petit^{ts} hath forbidden the Pet^{rs} from going on with the said Settle^{nts}, and Informed the Pet^{rs} that he could not permit their going on with their Settle^{nts} on any other terms, but their taking Grants from him in the same manner as if they had not already any Title thereto, upon which the Petitioners informed M^r Dunbar that they thought it their Duty to lay before His Majesty the matter aforesaid, and M^r Dunbar promised the Pet^{rs} not to intermeddle with the said Lands 'till His Majesty's Pleasure should be known.

Therefore and as the Pet^{rs} have so clear a Title to their Lands both by Grant from the Crown, and Purchase from the Natives, and have had the Possession thereof for so many years, and been at a very great expence in erecting the Block-houses and several other Buildings thereon, and defending the same in the manner before Stated, & their endeavours and attempts to improve and settle the same, which had been long since compleated by the Pet^{rs} but from the unavoidable interruptions given them by the Wars, but have always by means of their Block-houses kept the Possession thereof, and thereby Guarded and Protected all that part of the Country, and as the Pet^{rs} are determined to compleat the said Settle^{nts} with all possible dispatch, which being of great advantage to the Province of the Massachusets and His Majestys Interest there,

The Pet^{rs} in consideration of the Premisses most humbly prayed His Majesty that His Majesty would be Pleased to send the necessary Orders or Instructions to the said David Dunbar not to intermeddle with the said Tract of Land to which the Petitioners are so intituled as afores^d, and that he do not interrupt, or obstruct or disturbe the Pet^{rs} in carrying

on their Settlement^{ts} there on any pretence whatsoever, that so the Pet^{rs} may be quieted in the enjoym^t thereof and carry on the Settlement^{ts} intended by them without Molestation

And we Certifye Your Lordships that we have been attended by M^r Paxton Sollicitor for the affairs of His Majestys Treasury, and by the respective Agents of the Province of the Massachuset's Bay in New England, and of the Pet^{rs}, and have heard Council on behalf of the Crown, and of all the said parties, at which Hearing were laid before us a Copy of the Charter granted by their late Majties King William and Queen Mary on the 7th day of October in the 3^d Year of their reign to the Inhabitants of the s^d Province of the Massachusets Bay, and the several affidavits hereunto annexed, together with Copies of diverse Conveyances of particular parcells of Land lying within the Tract in question, which were Certified under the Seal of the said Province.

Upon considering the said Case and Petitions, and the Evidence laid before us, and what was alledged on all sides, It appears to us

That all the said Tract of Lands lying between the Rivers Kennebeck and S^t Croix is (amongst other things) granted by the said Charter to the Inhabitants of the said Province, and that thereby power is given to the Govern^r & General Assembly of the said Province to make grants of Lands within the said Limits, Subject to a Provisoe that no such Grants should be of any force until their said late Majestys their Heirs or Successors should have Signified their approbation of the same.

It appears also by the said Charter that the Rights of Governm^t granted to the said Province extend over this Tract of Land.

It doth not appear to us that the Inhabitants of the said Province have been guilty of any such Neglect or Refusal to defend this part of the Country as can create a forfeiture of

that subordinate Right of Government of the same, or of such Property in the Soil as was granted to them by the said Charter; it being Sworn by several of the said Affidavits that a Fort was erected there and for some time defended at the Charge of the Province, and that Magistrates and Courts of Justice have been appointed within this District, and that one of the Council of the Province hath always been chosen for this Division; And tho it is certain that this part of the Province hath not been improved equally with other parts thereof, Yet considering the vast Extent of Country granted by this Charter, and the great Improvements made in several parts of it, We conceive that will not create a forfeiture, because in such cases it is not to be expected that the whole should be cultivated and improved to the same advantage, and whether there hath been such a neglect or Non-user of any part as may amount to a forfeiture must be judged of, not upon the particular circumstances attending that part only, but upon the circumstances of the whole.

And if the Province had incurred any forfeiture in the present Case, no advantage could be taken thereof but by a legal proceeding by Scire facias to repeal their Charter, or by Inquisition finding such forfeiture.

As to the Question stated in the Case upon the effect of the Conquest of this Tract of Countrey by the French, and the Re-conquest thereof by General Nicholson, We conceive that the said Tract not having been Yielded by the Crown of England to France by any Treaty, the Conquest thereof by the French created according to the Law of Nations only a Suspension of the Property of the former Owners and not an Extinguishment of it, and that upon the Re-conquest by General Nicholson all the ancient Rights both of the Province and of private persons, Subjects of the Crown of Great Britain did revive and were restored *jure postliminii*. This Rule holds the more strongly in the present case in regard it

appears by the affidavits that the Province joined their Forces to those which came thither under the Command of General Nicholson in this Service.

For these reasons we are of Opinion that the said Charter still remains in force, and that the Crown hath not power to appoint a particular Governour over this part of the Province, or to Assign Lands to persons desirous to settle there; nor can the Province grant these Lands to private Proprietors, without the approbation of the Crown according to the Charter.

As to the Case of the Petitioners in the two Petitions referred to us, who insist upon particular Titles in themselves to certain parcels of Land lying within the District in question, we have examined into their Claims, and find by the above-mentioned Copies of Deeds and Writings produced by them, that several of the Petitioners and those under whom they claim have had Conveyances made to them of several of the said parcels of Land, some from the Council of Plimouth, which was constituted by Charter in the Reign of King James the first and whose Grants are Confirmed by the Charter of King William and Queen Mary, and others from Indians pretending to be owners thereof under which Grants large Sums of Money appear by the said Affidavits to have been laid out in Endeavouring to Settle and improve the Lands therein comprized, several of which Sums were expended not many years agoe particularly a Sum of £2000 by S^r Bibye Lake in the Year 1714, and other Sums of Money by others of the Petitioners in the Years 1719 and 1720. And tho' these Settlements and improvements have been in great Measure interrupted and defeated by frequent Warrs and Incursions of the Indians, Yet several of the Petitioners or their Tenants appear to be still in Possession of some parts of the said Tract of Land.

Some objections were made before us to the nature of the Grants & Conveyances under which the Petitioners claimed, and to the manner of deducing down their Titles; But we conceive that in questions of this kind concerning Rights to Lands in the West Indies, and upon Enquiries of this nature, the same regularity and exactness is not to be expected as in private Suits concerning Titles to Lands in England, but that in these cases the principal Regard ought to be had to the Possession and the Expenses the partys have been at in endeavouring to Settle and Cultivate such Lands.

Therefore upon the whole matter we are of opinion that the Petitioners, their Tenants or Agents ought not to be disturbed in their possession or interrupted in carrying on their Settlements in the Lands granted to them within the District in question.

All which is submitted to Your Lordships consideration

11th Aug^t 1731.

P. Yorke

C. Talbot

Jeremiah Dunbar's Affidavit

Jeremiah Dunbar of London Gent maketh Oath That he having a Deputation as Surveyor of his Majestyes Woods in America did about the Month of January last or ffebruary last past by virtue and in Execution of his said office Travell a great many Miles to and fro in that Tract of Country scituate between the River S^t Croix at Nova Scotia and the River Kennebeck and did not see one house or anything done towards improving and Setling the said Country Except what was built and Done by the sev^rall ffamilyls which went over thither with Coll^l Dunbar this Dep^{ts} Brother in Or about the Month of October One thousand Seven hundred

and twenty Nine in order to Settle in and Improve the said Country

Jer: Dunbar

Jurat Septimo Die Jan^{ry}

Anno Dñ 1730 Coram

Tho Bennett

Jeremiah Dunbar's Affidavit

Jeremiah Dunbar of London Gent maketh Oath That he this Deponent did in or about the latter end of December last receive the annext written paper or Petition from his Brother Coll^l Dunbar Surveyor General of His Majestyes woods in North America and verily beleives that the Same was Subscribed by the severall psons whose Names are thereunder particularly written who are some of the people that lately went to the Tract of Land between S^t Croix and Kennebeck in order to settle there and Improve that Country under the said Coll^l Dunbar, And this Deponent further saith that unless the Lands there be speedily allotted to the Sev^l persons who are lately gone to Settle in that Country this Depon^t verily beleives they will break up and leave the Same.

Jurat Vicessimo Sexto Die January

Anno Dñ 1730 Coram me

Jer: Dunbar

J. Bennett

Petition of Some Settlers in Georgia

[Inclosed in foregoing.]

To His Honnar Colo^l David Dunbar Comander and Settler of His Majustis Provance of Georgia.

We His Majustis loyall Subjects & y^r Honnars Humble

Petitionars Earnestly Desirs and requests, that according to his Majustis Instructions, by your Honnar made Publick for the Inhabiting and Settling the Easterd of this Contry, would Grant us a township to be laide out from the Eastren side of Kenabeck River, to run Eastwards alongst Mounswack Bay and Northerdly alongst Kenabeck River and so into the Contry, and we pray that your Honoar would give orders that it may be laid out this fall in order that we may make Improvements on the saim this winter by Clearing and making fraims in order to be in arediness to plant and make Houses in the Spring, the Delaying of which untill the Spring will be a means of losing our Summers Improvement; Theirfor we Humbly pray that as little time may be lost as will Shewt with your Honoars Conveniency, And as in Duty bound we Shall Ever Pray

| | | |
|-------------------------|-----------------------------|-------------------|
| William Vincent | | Tho: Rodgers &c |
| Anthony Vincent | John Malcome | Thomas Stinson |
| W ^m Woodside | Matthew McKinney | James Gordon |
| Peter Iberratt | George Rodgers | James Stinson |
| John Linsay | Colam Smith | John Mcphetres |
| James Woodside | W ^m ffulerton | James Duning |
| David Duning | John Stinson | Thomas Motherwell |
| David Mackan | Will ^m fullerton | Thomas Walker |
| Nehemiah Cartter | W ^m Rodgers | Charles Stuart |
| James Willson | Robert Allen | William Stinson |
| Tho. Rodgers | David Allen | Samuel McCobb |
| Patreck Rodgers | James Mcfarland | William Muster |
| Charles Robsen | Hennery Edger | Samuel harnden |
| William Edger | John pumery | John Tarp |
| Michal Makiam | Demeil ore | Jonathan Probb |

Memorial of Mr. Stephen Parker.

To His Excellency

Jonathan Belcher Esq^r Cap^t Generl & Commander in Chief
in & over his Majesties Province of the Massachusetts-Bay &
to his Majesties Council of said Province.

The Memorial of Stephen Parker, Clerk, humbly sheweth
that whereas the Memorialist hath faithfully discharged the
Duty of a Protestant Missionary to the Tribe of Indians on
Kennebeck River; and of a Chaplain at Richmond Fort on
said River five years successively, whereby Your Memorialist
becomes entitled to the Sum of One Hundred Pounds agree-
able to a vote of the Great & General Court of this Province
passed in May Session A. D. 1732: Therefore Your Memo-
rialist humbly prays the aforesaid Sum may be allowed to

Your Excellency's & Honour's Most Dutifull, Humble
Servant

Stephen Parker.

Earl of Westmorland & Others to Gov^r Belcher.

Whitehall October 10th 1732

S^r

We have received yours of the 12th 21st and 24th of June
13th and 26th of July, 31st of Augst, 29th October 1731 10th
of July and 14th of Augst last, with the several publick
Papers, therein mentioned to be inclos'd

The Substance of all which Letters relating principally to
the old Difficulties in the Matter of your Salary, upon which
you have had our repeated Opinion. To the (Repeal of

your Instructions) for the method of supplying the Treasury & issuing of paper Money) but lately determined; and to the disputes about Command in your Absence from New Hampshire, upon which his Majesty has not yet decided. We have had nothing new to trouble you with of late, and therefore have not till now acknowledged the receipt of these Letters.

With respect to your Salary, We advise you to continue your Endeavours to induce the Assembly to a due Compliance with his Majesty's most reasonable Demands. For thō his Majesty as you have hitherto fulfilled your Duty in this particular, by complying with the Tenor of your Instruction, has once had the Goodness to allow you to receive a Present from the People, in lieu of a Salary; We cannot yet say what may be the Success of your second Application, And certain it is, That we cannot constantly advise his Mat^y to shew the like consideration to a People, who in no Instance, have shewn any Inclination to do what has been proposed to them by his Royal Instructions.

We are surprized that after so solemn Determinations on the Method of supplying the Treasury & against y^e Inconvenience of our paper Currency in excess which gave rise to your 16th and 30th Instruction Your Assembly should make fresh application for their Repeal: But before this comes to your hands you will have received the King's Pleasure upon those matters, which we hope will put a final End to this Dispute. But if the Assembly of New England when they come to be acquainted with his Mat^y's confirmation of these Instructions should either refuse or neglect to supply the Treasury of that Province in a legal manner, so that neither the Fortifications can be kept up, nor the Dignity of his Mat^y's Governm^t supported: It will be the Assembly only that will remain answerable for the ill consequences of their own Conduct.

Having considered what you and Col^o Dunbar have wrote concerning the Right of Command in New Hampshire, and what should be deem'd an Absence in the Command^r in Chief, so as to enable the Lieu^t Gov^r of that Province, to take upon him the said Command, And concerning this question to be of great Consequence to his Majesty's Service, and to the Peace and good Government of the Province, We thought it proper to lay the state thereof before his Ma^{ty} for his Royal Orders thereupon which he had not hitherto been pleased to give.

Your remarks upon what M^r Newman wrote to you about his having applied to this Board for the Appointment of some Councillors in New Hampshire are something new. For if you imagine that your being directed to lay before us constant Lists of such Persons as you may think qualified for that Trust, implies any necessity that we should nominate from your List only We must inform you, that you are very much mistaken. And as wee are answerable for such persons as this Board reco^mends to his Majesty for Councillors, wee ought to acquire all y^e Information wee can concerning their Characters.

We can't avoid taking Notice of the Many Parts of your Lrs, where, in general you Insinuate pretty hard things against the Character of Col: Dunbar. If you design this, by Way of Complaint against him We desire to know it, that We may send him Copies thereof for his Answer: If not, you may discontinue this way of writing for the future Because it would be hard that any Mans Reputation should be call'd in question without an opportunity of making his Defence.

So we bid you heartily farewell & are

Your very Loving Friends & humble Servants

P Docminiquir

Westmoreland

M. Bladen

Ja. Brudenell.

Mr Sēcry Pelham to Colonel Dunbar.

Whitehall Septem^r 20th 1732

S^r

My L^{ds} Comm^{rs} have consid'd your sev^l Lrs to me, relating to the disputed Title to the Lands to the Eastward of Kennebeck, but as the Attorney & Sol^r Gen^l have given their Opinion that, that Tract of Land belongs to the Massachusetts Bay, My Lords have nothing to add upon that Subject, and more especially since your Brother will give you a particular Acc^t of what has happen'd, since his being in England.

My L^{ds} have conside'd what you have wrote, ag^t the Proceedings of the Judge of the Admty; But as that Matter is more properly under the Inspection of the L^{ds} of y^e Admty, I have sent Copies of what you have wrote, to them.

In answer to that Part of your Lre of the 26: May last, wherein you say, You judge my having told you that my L^{ds} desire you would be punctual in your Correspondence, was meant as a Rebuke for your frequent writing and mentioning things not belonging to you because no notice is ever taken of them I am to acquaint you that no such rebuke was intended, So far from it, that my L^{ds} only recommended a Continuance of your punctual Correspondence and altho particular answers may not have been made to every Paragraph of Your Lrs. It does not follow from thence, that no Notice has been taken of what you have said.

I am Sir Your most humble Ser^t.

P.

Letter David Dunbar to Josiah Willard, Secretary.

Fredericks Fort Dec^r. the 30th 1732

Sir

On the 19th instant Cap^t Saunders called here and

delivered me Your letter with a pacq^t I gave him a receipt for it, but as I imagine this may reach You before he can return from Georges I take this Oppertunity to acquaint you wth it And to tell You that if any Soldiers are ordered hither before the Kings troops have conveniencys to remove hence, they may be accomodated with house room within the Fort, as for My part I shall remove when Oppertunity & Weather will permit, in the mean time all due Obedience shall be pay^d to the order contained in the paquet You sent me, but as you took no notice to me of its Contents there is no occasion for me to say more

I am Sir Your Most Humble & Obed^t Serv^t

David Dunbar

Mr Sec^{ry} Willard

In the House of Rep^{lives} April 4, 1733 Read.

*Letter Eben^r Hinsdell to Gov. Belcher & others Jan. 26,
1732/3*

May it Please Your Excellency w^t others

The Honour^{bl} And Reve^d Commissioners.—

It was some considerable time after I Came heither before I saw any of y^e Indians they being All out at y^r hunting, but Since y^r has been some Number here but yet but few Compared w^t what have been here heretofore. And w^t those y^t have been here I have Endeavour'd As Much As In Me Lies to Ingratiate My selfe by Manifesting an Earnest Concern to y^m for Y^r Wealfare, & as I have had Oportunity I have Endeavour'd Wⁿ I think they Will be Most ready to hear to Introduce some Discourse on Divine things & many times

they will harken W^t Diligence & Consent to what I say. One Came Into my Studdy & sat w^t me some time & I having y^e holy Bible in my hand took occasion from thence to tell him of y^e Excellencies of y^e Book, From Whence it Came & y^e End it was sent Into y^e World for he would Consent y^t it might be sent for a rule to y^e White people but not for y^m & argued it from y^r Never hearing of it before y^e English Came among y^m & from y^r Not being Able to read it, I told him y^e allmighty offered it to some first & yⁿ to others And y^t many In y^e world besides y^m ware Intirely ignorant of it, & y^t now he was pleased to offer it to y^m & as to y^e reading of it We were all of us tought one of another & y^t I was now Sent to teach & Instruct y^m In it & y^t I should be Glad to teach him if he Would Learn, he Gave me Some Slight Encouragement y^t he would learn In y^e Spring. Some time after this I perceived they had a mind to have a Child Baptized y^t was w^t y^m I purposed to Discourse w^t y^m about it but before I had oportunity to my surprise y^r Came a Number of y^m on y^e Sabbath between Meting to offer y^e Child to Baptism but y^e Cap^t by whom they must Speak being suspicious of y^e Design absented himsele y^t they might take a more Convenient opportunity to Discourse w^t me. In y^e Evening after y^e Sabbath y^e Grand parents of y^e Child ware sent to treat w^t me Concerning it I told y^m y^t y^r ware Certain Qualifications necessary to those y^t offer y^r Infants to baptism & first of all it was necessary they Should be Instructed In y^e principles of Religion y^t they might be Qualified to receive y^e ordinance y^mselves, & wⁿ they ware so I told y^m y^r Infants should have y^e Seale administred y^m as readily as to ours, I told y^m further I was sent to teach & Instruct y^m & was allwise ready to Do it & should be Glad they would Come to me they seamed to be Well pleased & Satisfied w^t what I had said to y^m & they Gave me Incouragement y^t y^e mother of y^e child Should live Near & Come to

me this Winter to be Instructed, but She is this Week Gone into y^e Woods W^t y^e others to y^r Hunt Contrary to my Expectation; But my Expectations are now raised w^t respect to some Children Now in y^e woods, y^e mother of y^m has y^e character of a Woman more free from vice yⁿ y^e Generality of y^m & Manifests a Concerne for y^e vices she sees In her husband, & told (as I am Informed) of Going to Canady Next Spring for y^e sake of Having her Children Instructed. This Week She Came out of y^e woods for provision & Gave me a Desired opportunity to offer my Service to Instruct y^m in y^e principles of religion & to read & write, She is now returned to her Children In y^e wood^s & Gives me some Incouragement She will bring y^m to me in ye Spring. In y^e mean Time & at all Times I shall Endeavour to pursue my Instructions & Strive If Possible I may be an Instrument of bringing at Least some of y^m to y^e true knowledge of God in Christ Jesus, & Intreat Your Prayers, y^t Gods Blessing May be Granted upon ye Labours of Your Most Obedient Humble Serv^t

Ebenezer Hinsdell

Fort Dummer January y^e 26th

Anno Dom: 1732/3.

[Superscribed]

To His Excellency Jonathⁿ Belcher Esq W^t the other Honour^{ble} & Rev^d Commissioners for Propagating The Gospell Among The Heathen.

Capt. Joseph Heath to L^t Gov^r W^m Dummer

Richmond April 27th 1734

Honourable S^r

Yours pr Ensigne Clark I had the Honour of Receiving – The large house for the accommodation of the Mohawks is

up & finished Except the Chimneys for which the brick are making & will be Ready in a few Dayes. In case the Mohawks come Down I Believe they will expect Such things as they shall want will be Lodg'd here, I Desire therefore that Such Necessaryes as your Honour shall think it proper to Supply them with may be Sent, with instructions for my Goverment in Disposing there of, as well as the provision & ammunition I am to Deliver them from time to Time.

I have lately buried three of my men who Dyed Suddenly with a pluretick Fever.

Collo¹ Westbrook Order^d me to Dismiss 16 men of my Company & Sent me but 14 of the Recruits, he also Detein^d an other of my men (Viz Ebenezer Nutting) as an Armourer at Falmouth, & I understand the Recruits are all Dispos^d of: Nevertheless I Don't mention this by way of complaint against the Colo¹ in the least. But only to Discharge my Duty in acquainting your Honour with y^e State of this Garrison. The Season to Expect the Enemy is now come & they are gathering to gether, And in order to be Enabled to Enterecept some of them And also Fit out a party of y^e Ablest, to march with y^e Mohawks (if they come & your Honour thinks it proper) I should be very Glad to be made up a full Company.

But Humbley Submit And with Dutifull Respect

I am Your Honour_ most Humble Obedient Servant

Joseph Heath

[Superscribed]

On His Majesties Service

To The Hon^{ble} William Dummer Lieu^t Governour & Commander in Chief of his Majesties Province of the Massachusetts Bay in New England present in Boston
pr Cap^t Gyles.

New Marblehead Original Grant & List of Grantees.

“Copy of the Originall Grant & List of the Grantees of New Marblehead in the County York.”

At a Great and Generall Court or Assembly for his Majesties Province of the Massachusetts Bay in New England, held by Adjournment on Wednesday the 20th of November 1734

A Petition of Abraham Howard and Joseph Blaney Esq^{rs} Representatives of the Town of Marblehead Shewing that the Said Town is of very Small Extent and the Inhabitants more Numerous than in most Towns in the Province So that they are much Straitned in their Accomodations and therefore praying for a Tract of Land for a Township for such Persons belonging to the said Town of Marblehead as will settle there on —

In the House of Representatives Read & Voted That there be and hereby is granted a Tract of Land of the Contents of Six Miles Square lying Eastward, and adjoining to the Township lately laid out to the Narragansett Grantees on the Back of Falmouth in the County of York. and that John Wainwright Esq^r Capⁿ John Hobson and Daniel Eps Esq^r with Such as the Hon^{ble} Board shall appoint be a Committee fully Authorized to Admitt Sixty Inhabitants belonging to the Town of Marblehead that are most likely to Settle and bring forward a New Plantation and that most need a Grant of Land. the Committee to lay out the Said Township as also the first Division of Home Lots: in as Defenceable a Manner as Conveniently may. be The number of Lots to be Sixty three and to draw future Divisions in Equal proportion. three of the aforesaid Lots or Rights to be Disposed of, one to the first Settled Minister: one for the Ministry, and the other for the use of the School The Grants to be confirmed

upon the Grantees fulfilling the following Conditions and for that purpose: that the Committe take a Bond of twenty five pounds Each for the performance thereof Viz That they be upon the Spot and have an house of Eighteen feet Squire & seven feet Stud at the least to Each Right. Seven Acres of Land brought to English Grass and fitted for Mowing. that they Settle a Learned Orthodox Minister and build a convenient Meeting house for the Publick worship of God, within five Years from their Admsion and that Each Grantte pay the said Committee five pounds upon their Admission which shall be used for defraying — charge of — Survey. The Remainder to be improved for the publick Benefit of — Plantation -- upon Failure of performance — Right of such as fail to Revert to — Province as if no such Grant had been Made.

In Counsel Read & Concurred and William Dudley and — Esq^{rs} are Joined in — affair

Consented to J Belcher

A True Coppy Examined

p Thad. Mason Dep^t Sec^{ry}

A True Coppy Attest Will^m Goodwin

Clerk to s^d Grantees

A List of — Names of — Original Grantees with — number of — Home Lots or first Division as Drawn &c by — Committee

| N ^o 1 Disposed of for the use of the School. | N ^o 33 Disposed for the Min- istry |
|--|--|
| 2 Cawley Wright | 34 “ “ for the first settled minister |
| 3 Cap ^t Robert Parramore | 35 Nathaniel Cogswell |
| 4 the Rev ^d George Bigot | 36 Benj: Hendly |
| 5 Michael Bowden | 37 Samuel Lee Esq ^r |
| 6 Samuel Stacey 3 ^d | 38 Benjamin James Jun ^r |
| 7 Eben ^r Hawks Jun ^r | |

| | |
|------------------------------------|--|
| 8 Richard Dana | 39 Francis Bowden |
| 9 John Reed | 40 the Rev ^d Edward Holyoke |
| 10 Thomas Wood | 41 John Oulton Esq ^r |
| 11 Robert Bull | 42 Isaac Mansfield |
| 12 Thomas Chute | 43 Jedidiah Blaney |
| 13 Coll ⁿ John Palmer | 44 Joseph Howard |
| 14 Nicholas Edgcome | 45 Joseph Swett |
| 15 Cap ⁿ Peter Coleman | 46 Samuel Brimblecome |
| 16 James Sharrar | 47 Joseph Griffen |
| 17 Nathaniel Bartlet | 48 Joseph Smitherst |
| 18 Benjamin Dodd | 49 William Ingalls |
| 19 Joseph Majory | 50 Jeremiah Allen |
| 20 Jonathan Proctor | 51 John Felton |
| 21 John Stacey | 52 Joseph Blaney Esq ^r |
| 22 Richard Reed | 53 Andrew Tucker |
| 23 John Bailey | 54 Humphrey Deverux |
| 24 Ebenezer Stacey | 55 Nathaniel Evans |
| 25 Thomas Bartlet | 56 John Homan |
| 26 James Perriman | 57 William Maberry |
| 27 Moses Colley | 58 William Goodwin |
| 28 Robert Hooper Jun ^r | 59 Thomas Frothingham |
| 29 Joseph Gallison | 60 Ebenezer Hawkes |
| 30 Nathan Bowen | 61 Giles Iveamy |
| 31 James Skinner | 62 Isaac Turner |
| 32 Abraham Howard Esq ^r | 63 James Peirson |

Letter John Minot to Secretary Josiah Willard.

Fort Richmond Jan^{ry} 10th 1734/5

Hon^d S^r

I Rec^d yours wherein you write for the names of Indians which I could best recomend for Comiss^{rs} but you doe not say what number are allowd for this river. I have given two

Commissions already to two of the prinsipall men here if there is four allow^d desire you'l please to send one for Quenois and another for Toxus if six send one for Maquawomba & another Plission or Peirson but if only four are allowd for this river send the Two first mentioned.

Toxus is Sagamore of this River.

I am Yo^r humb. Serv^t

John Minott

Petition

To his Excellency S^r William Phips Kn^t Capt^a Gen^l and Govern^r in Cheif And to the hon^{ble} Councill and Representatives Convened in Generall Assembly for the Province of the Massechusets Bay in New=England now sitting

The humble Petiçon of Roger Kelly in Behalfe of himselfe and the rest of the Inhabitants of the Isles of Shoales under this Goverment

Humbly Sheweth

That your Petiçoners being but a mean and poore people and wholly depending upon fishing for their maintainance and through the poverty of the Inhabitants of Smutti nose alias Church Island and hog Island ther is onely your Petiçon^r Kelly and one more that are able to set out any fishing boats without whom your Petiçon^{rs} were not able to get bread for their familys notwithstanding your Petiçoners have not litherto been any way Chargable to this Province but on the other hand your Petiçoner Kelly hath been at Considerable Charge in entertaining Soldiers puting in here by Contrary winds goeing and coming to and from the Eastward and allso the poor prisoners now Com from Port Royall and paying for two barr^{ls} of powder and twenty six Armes for the defence of the Islands at the begining of this warr. notwithstanding all which The Treasuror of this Province by

his warr^t hath sent to demand Twenty five pounds as a Levy laid upon our Two poor Islands, which is a sũm wee are altogether incapable of paying and if Insisted on will enforce us (as others have) to desert the Islands

Your Petiçoners therefore most humbly pray
you will take the premisses into yo^r grave
Consideration and discharge us of that Levie
And yo^r Petiçoners as in duty bound shall
ever pray &c.

Letter Benj^a Larrabee to Secretary Josiah Willard

Fort George Sept. 19th 1735

Honoured Sir

I Depended upon Cap^t Minot (when at Boston Last) to give in the names of two Indians to be Commissionated for this River but he tells me he forgot it, I Begg therefore (inasmuch as I have mentioned it the Indians and they have great Dependance upon the same) your honor would Please to mention it to His Excellency the Governour that he may do what he thinks Proper in the affair – The two Indians names is Prosoway & Josap: two of the Likelyest Indians that I Can find belonging to the whole Ammerscogin Tribe to serve the Interest of the Government Pray Sir favour me with a Line or two by the first opportunity and you will oblige your most obedient humble Servent –

Benj^a Larrabee

Taxes.

These May Certifie That on the Sixth of October 1735: there was a Tax voted to Levied on the Inhabitance of North

yarmouth of Eighty five pounds. And on the fourteenth of November in the Same year one other Tax of Ninety pounds: and on the fifteenth of april 1736 one Tax of two Hundred and ten pounds. And on the ninth of august 1736 one Tax of one Hundred & ten pounds. And on the twenty third of June 1737 one tax of four Hundred and fifty pounds. And on April the twenty fourth 1738 one Tax of three Hundred fifty pounds: And on the thirtieth of April 1739 one Tax of three pounds. And on the Twenty Ninth of August 1740 one Tax of two Hundred & fourty pounds.

All which Appears By North yarmouth Town Reacord
Attest Barnabas Seabury Town Clerk

Report

At a Great and General Court or Assembly of his Majesty's Province of the Massachusetts Bay in New England held Oct^o 29 1718

The Report of John Wheelwright Esq^r &c appointed by an Order of this Court pass'd at the Sessions begun and held the 28th of May last to be a Com^{tee} for regulating the Settlement of Falmouth in Casco Bay is as follows, viz —

Pursuant to a Vote of the great and general Assembly of his Majesty's Province of the Massachusetts Bay in New England held at Boston May 1715 impowering and appointing the Subscribers to be a Committee to prosecute the Regular Settlement of the Eastern Frontiers and in Answer to the Petition of the Proprietors and Setlers of the Town of Falmouth in Casco Bay in the Year 1717 and 1718, who have made Application to us the said Committee according to the Direction of the General Court We have upon the Sixteenth day of this present Month of Ju— taken a View of the said Town of Falmouth, and upon Mature Deliberation

and Consideration, We offer our Report to this Honourable Court as follows viz^t The dividing Bounds between Scarborough and Falmouth We find to be the Line from the first dividing Branches of Spurwink River, from thence to run into the Country Eight Miles Northwest, and from the said Branches as the River runs into the Sea, and the Easterly Bounds of Falmouth to extend to certain Islands known by Name of Capboard Islands, from a Red Oak Tree upon the Main over against said Islands marked **F** on the South Side, and so South East over a White Rock into the Sea, and from said Tree Eight Miles into the Country and according to the best of our Judgments We have determined the Spot whereon the ancient Town of Falmouth stood and a Fort was formerly built by Order of the Government and where there are already Setled above Twenty Families in a Compact defensible Manner to be a very agreeable Place for the Settlement of a Town being bordering upon a fine Navigable River guarded by the Sea by adjacent Islands most commodious for the Fishery and is accommodated with several large Streams for Mills as well as a large Quantity of good Land for the Encouragement of Husbandry, and We are of Opinion there is a fair Prospect of its being in a little Time a flourishing Town, and in Order to the enabling them to a Methodical Proceeding in their Affairs, We are of Opinion that it is absolutely necessary that they be invested with Power to act as a Town as soon as may be with Conveniency. We have also left our Advice with them with Respect to the laying out their Streets and high Ways, as also for the placing their Meeting House after the most commodious Manner for the Benefit of the Town in general,

Signed John Wheelwright, Abraham Preble, John Leighton Lewis Bane Joseph Hill—

In the House of Representatives Nov^r 11. 1718

Read and Ordered that the Report on the Other Side be

accepted, and that the Bounds of the Town of Falmouth be continued confirmed and ratified as in the said Report is set forth, and that the Inhabitants of the Said Town that now are and hereafter shall be from Time to Time invested with the same Powers and Authorities to act manage direct and Order the Affairs of the said Township as Other Towns are, Provided that this Order shall in no Measure Prejudice and infringe any Just Right or Title that any Person have to Lands there, and that Fifty Families at the least more than now are be admitted as soon as may be and Setled in the most compact & defensible Manner that the Land will allow of.---

In Councill read and concurred

Consented to Sam^l Shute

Copy Examined p J Willard Sec^y

A True Copy from the Town Records Lib^o 1^s Fol^o 3 & 4

Att^r Stepⁿ Longfellow Town Clerk to the Payment of the said Tax accordingly for the uses aforesaid only

Sent up for Concurrence

J. Quincy Spk^r

In Council Dec^r 26, 1735

Read & Concurred J Willard Sec^{ry}

Consented to J Belcher

A true Copy

Examined p Shad Mason Dep^t Sec^{ry}

Falmouth.

To His Excellency Jonathan Belcher Esq. Captain General and Governour in Chief in and over His Majesty's Province of the Massachusetts Bay the Hono^{ble} His Majesty's Council and the Hono^{ble} House of Representatives in General Court Assembled at Boston by Adjournment y^e 19th Nov^r A. D. 1735 —

The Memorial of Moses Peirson Representative of the Town of Falmouth in County of York in their Behalf and by their Order, Humbly Sheweth,

That the said Town altho' it be of considerable Extent yet it must be look't upon almost as an Infant Plantation, having suffered so long, and so heavily under the Calamities of the late destructive Indians Wars, tho' at present under the benign Influence of the happy Peace, which we pray God long to preserve, it must be acknowledged we are now increasing in Numbers and are much encouraged in bringing forward the Settlement of the Town whereby in Time We shall be better able to pay a greater Proportion to the Support of the Government, Since we can every Man sit quietly on his own Possession, But your Memorialist humbly craves Leave to represent to Your Excellency & Honours that the Inhabitants labour under very extraordinary Charges in Support of the Schools but more especially in the Maintenance of the ministry, for tho' our Numbers are not at present so greatly swelled, Yet so it is that the Situation of our Habitations are such that all of us could with no Convenience attend the Publick Worship in one Meeting House, a considerable River running through almost the Midst of the settled Inhabitants Dwellings, and so we are become two Parishes, the Charge of which must necessarily be greater upon the Town than if the whole could attend the publick Worship in one House; But one Thing which has born very hard on Many of the Inhabitants, is, that they have in Consequence of Grants and Purchases (which they thought good and indisputable) Settled and fenced in and brought to considerable Tracts of Land not doubting but they had lawfull Right thereto, but to their Misfortune it has since turned out, those Tracts have belonged to non resident Proprietors and ancient Claimers, So that those Inhabitants have been obliged to quit those Lands, which have been by their hard Labour much

increased in Value to the Advantage of the before unknown Claimers and Proprietors, and have been obliged to begin again & Subdue other Parts of the uncultivated Lands in said Town; Now forasmuch as the Inhabitants are desirous of having their Waste Lands Subjected to Duty, and the non resident Proprietors who receive greater Advantage by their said Labour are not held to any Duty for Payment of any Tax on said Town; Your Memorialist in Behalf of said Town humbly prays the wise paternal Consideration of Your Excellency & Honours that of your known Goodness (as in many of the like Cases has appeared) you would please to Subject all the Lands unimproved in said Town belonging either to the Resident or non resident Proprietors thereof to a Tax for the encouragement of the Inhabitants, the better to enable them to discharge their publick Dues, and to be supplied for the Support of the Ministry & School in said Town more especially.

And your Memorialist, as in Duty bound shall ever pray
Moses Pearson

In the House of Represent^{ves} Dec^r 23: 1735,

Read, and in Answer to this Petition Ordered
That all the unimproved Lands in the Town of Falmouth in the County of York belonging either to Residents or non resident Proprietors be and hereby are Subjected to a Tax of one Penny per Acre per Annum for the space of three years next coming to be applied to and for, the better to enable the said Town to support the Charge of the Ministry and School therein, and the Assessors of the said Town, as well as the Constable or Collectors there for the Time being during the said Term are hereby respectively required to levy and assess the said Tax, and collect and pay in the same according to the said Assessors Warrants on the Lists to be given to the Constables or Collectors for the said Term for the Uses aforesaid, and the said Lands are Subjected to the

Payment of the said Tax accordingly for the uses aforesaid only.

Sent up for Concurrence

J. Quincy Spk^r

In Council Dec^r 26, 1735

Read & Concurred J. Willard Sec^y

Consented to J. Belcher

A true Copy

Examined p Thad. Mason Dept Sec^y

Deposition July 2, 1736

John Phillips of Charlestown in the County of Middlesex Mariner, Aged Sixty three Years, Testifieth and Saith, That in the Month of May Anno Domini: 1694: He was at Pem-aquid, in the Eastern parts of New England, when S^r William Phipps Gov^r of the Province of y^e Massachusetts Bay, Made a purchase of Madocawando, of Lands lying at or near S^t Georges River in the Eastern parts: And this Deponant being a Witness with Cap^t David Mason. M^r John White, and Sundry other English Gentlemen, and some Indian Chiefs, to the said Madocawandos Executing the said Deed; which Deed I this Deponant have this day seen in the hands of M^r Samuel Waldo of Boston, Gentleman; And Do particularly remember the Executing thereof, as well by the said Madocawando, as by the severall Witnesses; And I Do also declare, That I for many years, had a personall knowledge, of the s^d Madocawando And he was dureing my knowledge of him, The Saggamore or Chief Sachem, of the Penobscotts Tribe: And I do also further declare, that there was near about the Number of One Hundred Indians, cheifly of the Tribe of Penobscott present when Madocawando, Executed said Deed, And were all well satisfied therewith:

And I do also Declare that I was present when the afore mentioned S^r W^m Phipps, p^d s^d Madocawando a Quanty of Silver money, in peices of Eight, which I understood to be the Consideration purchas^d of the Premisses; and at y^e Acknowledgment thereof before my Father late Deceased, and Cap^t Sylvanus Davis, and I was with S^r W^m Phipps, att the building the Fort att Pemaquid. And at Makeing the Peace In the Year Anno Domini. 1693. I Often Saw Said Madocawando, afterwards. So that I had a full knowledge of his Person and Sachemship amongst the Indians of Penobscott, of whom he was the Cheif Saggamore or Sachem

John Phillips

Middlesex Set

Charlestown July y^e 2^d 1736.

The abovenamed John Phillips personally appeared before me, the Subscriber, And made Solem Oath. that the above and before written Deposition, was Just & true

Tho^s Jenner Ju^s of Peace

Cyprian Southack of Boston in the County of Suffolk Marriner Aged 76 years, late Commander of the Province Galley declareth and Saith that he well knew the Chiefs of the Several Tribes of Eastern Indians, and was particularly acquainted with the Person of Madockawando who was Saggamore or Chief of the Penobscott Tribe, from whom he has twice when he was in the Employ of the Province Ransom'd Captives, and he also declares that the said Madocawando was in the year 1692 and for a considerable many Years after the Saggamore or Chief Sachem of that Tribe & that there was no other Chief that he know or heard of in that Tribe till after the Death of Madocawando which was in the Year 1698 & was Succeeded in the Saggamoreship by Wenoggonett, & he also declareth and Saith that he was with Madocawando

when a present of Ten barrels of Gunpowder a quantity of Fire Arms and some Cloths were delivered him by Gov^r Villebone which was a present sent him the s^d Madocawando (as this declarant was Credibly informed) by the King of France & he doth also declare that Mons^r Castain married the said Madocawandos Daughter And he does also further declare that after the Conclusion of the Peace by S^r William Phipps Gov^r of this Province in 1693 he heard and well knew that the said Gov^r Phipps purchased of said Madocawando a large Tract of Land which the said Madocawando was allowed by his Tribe (& all Others who he was heard mention the same) to be the Rightfull Owner of, lying at or near S^t Georges River & he never heard that the said S^r William Phipp's right to said purchased Lands was disputed but on the Contrary that it was a good right,

Cyprian Southack

Suffolk ss

Boston July 3rd 1736

Capt^a Cyprian Southack Appeared & made Oath to y^e truth of y^e above Declaration by him Subscribed

Coram H: Hall Just: Pacis

Answer to the Compl^t of the Penobscot Indians July 1736.

The Answer of Samuel Waldo of Boston Merchant to the Complaint of the Delegates of the Penobscott Tribe of Indians exhibited against him in a Letter to His Excellency bearing date the 10th Aprill 1736, & att His Excellencys Conference thereupon before The Hon^{ble} His Majesties Council & House of Representatives in pursuance of an order of both the said Houses made the 25th of June 1736

This Respond^t saith that pursuant to a Covenant made between him & divers others of His Majesties Subjects

Inhabitants of this Province who are interested with him in a Tract of Land lying in the Eastern parts of it called Muscongus he has begun a Settlement of Two Towns upon St Georges River and (as is set forth in the Indian Complaint) laid out many Lotts of Land, finished some houses, & built a Saw Mill there for that purpose, which he conceives he has good right to do, having as he apprehends together with his aforesaid Companions an undoubted Title to the Property of the soil upon which the said settlements are begun by grant from the Crown, purchase from the Natives, & a Possession thereof for more than one hundred Years attended with a great Expense in the Improvement & settlement of it in time of Peace & Defence of it in severall Indian Warrs since the first grant & purchase thereof, all which the Respond^t is ready to prove to the Sattisfaction of His Excell^y & the two Hon^{ble} Houses, but thinks it needless to set forth the particulars of it here, the Province haveing so lately by their Agent joyned with the Respond^t & others interested in the Lands in question in asserting their abovementioned Title to the same upon their Petition to be relieved against the Interruption given them in their Settlements there, by the Hon^{ble} David Dunbar Esq^r who had taken Possession thereof in behalf of the Crown upon which Petition & a strict scrutiny into the facts and Allegations therein contain'd before the present Lord Chief Justice of England then his Majesties Attorney Generall, and the Lord High Chancellour of Great Brittain then Sollicitor Generall, and also before the R^t Hon^{ble} the Lords Comisioners for Trade & the Plantations, His Majesty in Councill was pleased to receed from the pretentions sett up in behalf of the Crown to those Lands, & to Confirm the Title of the Petitioners to the same.

That upon this Success of the Pet^{rs} & the Province before His Majesty in Councill & upon the Issueing of their Majesties order in Councill then Regent of the Kingdom & His

Majesties Lieu^t within the same Col^o Dunbar quitted the Possession of the Lands in question & the Improvements & Settlements which he had begun there in behalf of the Crown, & His Excell^y was pleased with the advice of the Hon^{ble} His Majesties Councill to Issue a Proclamation dated the 16th day of February 1732 giving notice of the said Royall Order to all persons concerned, that so they might reap the fruit & benefitt thereof, & that such persons as had a lawfull Claim to any of the said Lands might be assured of the Protection of the Laws of this Province for the maintaining their just rights & properties, & be encouraged to proceed in settling & improving the same so that the Title of the Respond^t & his Companions in the Lands in question is founded upon a grant from the Crown from the Natives a long Possession & Improvem^t of them in time of peace, & defence of them in time of War, & has the Sanction of a Judgment or Sentence of the Highest Court of Judicature in His Majesties Dominions; & the publick faith of the Government of this Province engaged for their maintenance & protection in their Settlements & Improvements of it: Upon the Security of all which the Respond^t after a great Expence of time & money in England in Defence of this Title against the Crown, & of the Jurisdiction of the Province over the Lands, has agreed with 163 Familys to make a Settlement of two Towns there att a considerable further expence, & many of the Settlers have ventured themselves & their Familys not doubting of the same protection of the Governm^t in their just rights & possessions against the menaces & violence of the Indians or any other Enemy as the rest of His Majesties subjects in this Province & all other his Majesties Dominions enjoy

That Confining the Proprietors Settlements within the bounds prescribed by the Indian Delegates would leave them weak & defenceless unable to defend themselves in time of War, and exposed to insults att the pleasure of y^e Indians.

That as to their pretences that Madokawando from whom Sr W^m Phipps then Gov^r purchased these Lands, was not a Saggamore of the Penobscott Tribe & so had no right to grant the same The Respond^t answers that the purchase Deed is signed by him as such, & attested by many of the Chiefs of the Indians at that time, that the Records of the Province mention him as such, & the Deed was allowed of by the Indians as valid in 1726 in their treaty with the Government, who then insisted upon it; & no other Indian Saggamore is pretended to have been the Chief of the Penobscott Tribe at the Time of that Grant, so that the Deed has all possible proof of its validity, but even exclusive of that Deed, the length of Possession Improvement of the Land in time of Peace, & Defence of it in time of War under the Grant from the Crown would afford the Respond^t & his Companions as good a Title to this Land as any other of His Majesties Subjects in this Province can pretend to have to any other possessions: Not to mention that the Conquest of it in time of War by General Nicholson with her late Majestie Queen Ann's forces in Conjunction with those of this Province, would of it self be a good title against the Indians, if the Proprietors had not otherwise a good one by Grant from the Crown possession & purchase from the Natives

That the Respond^t for the sake of preserving peace & good amity with the Indians has proceeded with the utmost Caution by treating with them concerning the Settlement of his two Intended Towns to which he obtained their Consent upon a deliberate Consultation had among all of the Chiefs of those which were delegated by their Tribe a great number of whom were also present to treat with him for that purpose & the Respond^t has not exceeded the Limitts agreed on between them, w^{ch} he is now ready to prove by three unexceptionable Witnesses, And whether their present Complaint

is merely the result of their own Council, or they have been prompted to make it by French on English, w^{ch} in a most uncommon manner is mentioned in their aforesaid Letter—Respond^t won't pretend to say but lett it proceed from what motive it will, He Conceives it is no just Reason for the Governm^t to interpose to stop the Settlement of these Lands to the Ruin of the Familys already settled upon 'em, & the Destruction of the Proprietors estate there; Small would have been the extent of the Settlem^{ts} in this Province if the Government had been actuated by such a spirit as that upon the meer Caprice or threats of the Indians to destroy their Settlements they would not have proceeded in them, nor upon this principle will the Bounds of their Settlements be ever enlarged.

Your Respond^t therefore in behalf of himself & the other proprietors of these Lands & of the Familys already begun to be settled there prays that they may be protected & maintained in their just rights & possession, & Settlements upon the same, and that the Compl^{ts} agst them may be dismissed in such a manner as will give the Indian Delegates an assurance of it, & that the Indians may not be encouraged to annoy 'em & Committ hostilities upon a Prospect of the Governments abandoning these Settlements to their Humour & Outrage.

It may not be amiss to remind this Hon^{ble} Court that att their Session August 1722 on breaking out of a War with the Indians upon the offer & tender of John Leverett Esq^r late Dec^d in behalf of himself & Associates Prop^{rs} of these Lands, the Governm^t accepted of a Blockhouse built by the Prop^{rs} for a Garrison which is improved accordingly to this day, All which is humbly Submitted by Y^r Obed^t Serv^t

S. Waldo

Petition.

Province of the Massachusetts Bay ss

To his Excell^y Jonathan Belcher Esq^r Cap^t General & Gov^r in Chief & to the Hon^{ble} his Majesty's Councill and House of Representatives in General Court Assembled at Boston the 5th day of July 1736 —

Humbly Sheweth Samuel Waldo of Boston Merch^t that by an order of the Hon^{ble} Council and House of Representatives bearing date the 25th day of June last Edmund Quincy Thomas Berry Ebenezer Pomroy John Stoddard, John Chandler John Cushing and Francis Fulham Esq^{rs} were appointed a Committee of both Houses to inquire into the Complaints of certain Indian Deligates of the Penobscutt Tribe exhibited to his Excell^y ag^t your Pet^r in a Letter bearing date the tenth day of April last concerning Y^r Pet^{rs} carrying on a Settlement of two Towns on S^t Georges River, and to hear Yo^r Pet^r and the Indians thereupon & report what Answer may be proper for both Houses to advise his Excell^y to give the Indians upon their said Complaint,

That y^r Pet^r and the Indians have attended the Hon^{ble} Committee and been heard by them upon Sundry Articles and the Committee was thereupon pleased to report that it would be proper to advise his Excell^y to Assure the Penobscott Tribe that this Government will not incourage nor Countenance Your Pet^r or any Others Settling or Improving any Land on George's River above the falls or flowing of the Water untill this Govern^t Shall be Satisfy'd that those Lands have been fairly purchas'd of such Indians as were the rightful Owners thereof, and the said Report hath been accepted by both Houses as by the said Order and Report (Relation being thereunto had) may fully Appear.

That y^r Pet^r is now furnished with Evidence sufficient, to prove to the Satisfaction of this Hon^{ble} Court that S^r William

Phipps late Gov^r of this Province under whom y^r Pet^r claims title to the Lands in Question (as well as under a Grant from the Crown) fairly purchas'd those Lands in 1694 of Madocowando Sachem of the Penobscott Tribe who was the Rightfull Owner and had good Title to Grant and dispose of the same; part of which Evidence y^r Pet^r had not an Opportunity of laying before the Hon^{ble} Committee & therefore begs leave Pursuant to their afores^d Report to lay his Entire Evidence before this Hon^{ble} Court not doubting but y^t the same will fully Satisfy this Government, that the Lands above the falls, where y^r Pet^r is now carrying on part of his Settlement^t were fairly purchased of the Rightfull Indian Owners.~

And in order to Satisfye your Excellency and Honours of this y^r Pet^r will prove 1^o That S^r William Phipps fairly purchas:d the Land in Question of Madocowando who Granted and Conveyed the same to him by a good and Sufficient Deed in the Law: 2^{ly} That at the time of making the Grant Madocowando was the undoubted Sachem of the Penobscott Tribe of Indians & consequently had good Power according to the Constant and general Custom or Law us'd among the Indians to Grant & dispose of Land belonging to the Penobscott Tribe, who now pretend to dispute y^r Pet^{rs} title to the Same —

To prove the first point y^r Pet^r will produce the purchase Deed it self, w^{ch} was Sign.d Sealed & Deliver'd by Madocowando in the presence of above an hundred Indians & many English Gentlemen of Principal Note, & duely attested by two Indian Sagamores, a Cousin of Madocowandos & the Indian & English Interpreters & four English Gentlemen all w^{ch} have Set their Marks or Subscribed their Names as Witnesses to the same; was afterwards duely Acknowledged before two Members of his late Majesty King William's Hon^{ble} Councill for this Province, & afterwards recorded with the records for Deeds in the County of York by the

proper Officer & since enter'd in the Register made by the Committee of Claims appointed in the Year 1713 and to prove that the said Grant was made for a Valuable Consideration y^r Pet^r will produce the Deposition of John Phillips who was present at & one of the Subscribing Witnesses to the Execuⁿ of the said Deed, who saw S^r William Phipps pay Madocowando a considerable Quantity of Silver money in pieces of Eight, as the Consideration of the purchase Deed ; & also of Cap^t Cyprian Southack late Commander of the Province Galley confirming the same, both which Witnesses are Still living & ready to be examin'd ore tenus by your Excell^y & Honours so that the Deed is as valid as apt Words for Conveying of the Lands, all requisite Solemnities in the Execution of it, & a Valuable Consideration bona fide paid can make it,

As to the second Point Viz^t that Madocowando was at the time of making this Deed, & for Several Years after the Chief Sachem of the Penobscott Tribe & Consequently (according to the Custom of the Indians) had good Right and Power to Grant & convey the same —

1st Yo^r Pet^r begs leave to refer himself, to the two above-mentioned Depositions of John Phillips & Cyprian Southack who were both well acquainted with Madocowando for Several Years & certainly knew him to be the undoubted chief Sachem of the Penobscott Tribe to the time of his Death & particularly acknowledg'd as such at the same of the Execution of this Deed, by above 100 Indians then present, who were chiefly of the Penobscott Tribe, declared their Satisfaction in his making the afores^d Grant, in w^{ch} Cap^t Southack is so particular as to Remember the exact time of his Decease & who was his Successor in the Sachemship of the Penobscott Tribe, both which Witnesses are of unexceptionable Credit, & from their Respective Circumstances must be very conversant with Indians perfectly knowing of the facts w^{ch} they Testify—

2^{ly} It is not to be imagined that S^r William Phipps who as Gov^r of this Province at the time of his purchase, & was well acquainted with the State of the Several Indian Tribes in these Parts did not know who was the true Acknowledged Sachem of the Penobscott Tribe or that he would be imposed upon in Matters which must be Notorious to all Persons who knew any thing of the Tribe at a time when he paid Madocowando a Considerable quantity of money for his purchase especially when he had made a Treaty of peace with the said Medocowando about 6 Months before or that the Penobscott Indians present, who were consenting to the Grant of Land belonging to their own Tribe should not know who was their true Sachem, or the Indian Sagamores & Madocowando's Cousin who attested the Execution of the Deed, by him as Penobscott Sachem, Should be ignorant who was the Sachem of that Tribe, or that there should be a general Confederacy among all those Indians to impose upon S^r William Phipps, & S^r William & all the English so extreemly weak as to be so grosly cheated in a point w^{ch} must be Notorious to all the Country at that time Viz^t who was the Chief Sachem of the Penobscott Tribe.

3^{ly} This Government has acknowledged the Validity of it, also in other Instances viz^t In the year 1722 Upon the Memorial of John Leverett Esq^r & his Associates as proprietors of the Lands in Question (under whom y^e Pet^r claims) making the Government an offer of their blockhouses built there for the defence of those Lands the General Court accepted the same & voted a Garrison of 25 Men w^{ch} under the Command of an Officer in Lieuten^{ts} pay to be kept there at the Expense of the Province for the Defence of those Lands, which was Accordingly done: 2^{ly} by the Commissioners on the Part of the Province in their Conference between them & Delegates of the Penobscott Tribe in the Year 1725 insisting upon the afores^d Title of the English to

those lands viz^t that they had purchased the same for some blankets & silver money, & the Indian Delegates declaring their Satisfaction therein & that their Ancestors had sold the same: w^{ch} now appears among the Province records 3^{ly} By the Committee of the General Court in their Treaty at Falmouth with the Indians producing this Deed to them & insisting upon the Validity of it, w^{ch} appears to be recorded upon the back of it, by the Clerk of the Committee, 4^{ly} by their joining with y^r Pet^r & others interested in these Lands in 1730 in a Petition to the King in Councill wherein the Pet^{rs} claim the Land in Question, among other things under the said Deed against the Hon^{ble} Col^o Dunbar who had begun to settle those Lands in behalf of the Crown, Claiming the same by right of Conquest, in the french Warr under General Nicholson (as manifestly appears by the Report of the Attorney & Solicitor General, to whom the Consideration of y^t Petition was referr.d) which wholly destroys all pretensions of the Indians Title to those Lands 5^{thly} By the Proclamation issued out in February 1732 among other things declaring that the order of her Majesty in Councill for Confirming the Pet^{rs} title to those Lands was partly obtained by the Application of the Province's Agent, & promising the Protection of the Govern^t to Such Persons as Should settle there upon that Title

And lastly by Several recommendations of the Settlem^{ts} of these Lands from his Excell^y to the House of Representatives & answers from them encouraging the same as may appear by the Journals of the Court.

Yo^r Pet^r also Relies upon the Validity of his Title to the Lands in Question from the Confirmation of it by the Order of her Majesty in Councill, w^{ch} order has the Effect of a Judgment, & as the same was given in the Highest Court of Judicature in the King's Dominions ought not to be controuled or broke in upon by an order of any Subordinate

Government Especially since the Crown quitted its own Possession & undoubted Title to these Lands founded upon the Right of Conquest, upon the Suppos'd Validity (among other things) of the Pet^r's Indian Title to 'em, prior to that of the Crowns which was strictly inquired into & determined—

That y^r Pet^r humbly Conceives even upon the face of the Report of the Committee he is Entitled to the Protection of this Government to the Enjoyment of his Estate & property in the Lands in Question if he can make out his title to it under an Indian Deed Wherefore as upon the whole of his Evidence it plainly Appears that these Lands were fairly purchas.d of Such Indians as were the Rightfull Owners of em he prays that he may have the protection which all his Majesty's Subjects are entitled to have in every one of his Provinces & Colonies ; especially since the Indians have once by their own Confession actually consented to his Settlement of 'em ; but say they now Repent of it, without alledging the least reason for it.

And Y^r Pet^r shall ever Pray &c :

S^t Waldo

In Council July 5, 1736. Read and the Matter of this Memorial or Petition having already been taken under Consideration by a Committee of both Houses, before whom, as well the Petitioner, as the Penobscut Delegates were fully heard and all such Deeds Records and Evidences read as were produced by the Petitioner ; and upon the whole a Report was made by the said Committee and accepted by the Council and House of Representatives and therein they humbly propose such advice as they think proper to offer to his Excellency referring to M^r Waldo's Settlements on S^t Georges River, As to the two Evidences of Mess^{rs} Southack and Phillips, which the Petitioner says were not produced before the Committee, the Board do not apprehend the Matter therein contain'd to be of that weight as to alter their

Opinion of the said Report or induce them to reconsider it
And therefore Ordered that this Petition be dismissed.

Sent down for Concurrence

Simon Frost Dep^t Sec^{ry}

In the House of Representatives July 5th 1736

Read & Concur'd

J. Quincy Sp^{kr}

Petition.

To his Excell^y Jonathan Belcher Esq^r Cap^t General
& Gov^r in Chief of the Province of the Massa-
chusetts Bay & the Hon^{ble} his Maj^{ty}s Council &
House of Representatives in General Court Assem-
bled at Boston the 6th day of July 1736—

Humbly Sheweth Samuel Waldo of Boston Merch^t that he
is necessitated Once more to apply to your Excell^y & Hon-
ours for that his Petition (of Yesterdays date) as he humbly
conceives was not rightly understood, he meaning thereby
agreeable to the Report of the Hon^{ble} Com^{tee} to make it man-
ifest that Madocowando was the allowed Sachem of that
Country, & had power to sell & dispose of those Lands as
other Sachems from time to time did of theirs, and inasmuch
as your Pet^r has been at great cost & charge to defend the
Title when called in question by the Crown after many
Solemn hearings a Com^{tee} of the Lords of Council upon con-
sidering his Petition were of Opinion that neither This Pet^r
his Tenants or agents ought to be disturbed in their Posses-
sion, or Interrupted in carrying on the Settlements of the
said Lands, & therefore proposed to His Majesty that Col^o

David Dunbar should be ordered to quit the Possession of all of the said Lands, w^{ch} Her Majesty their Guardian of the Kingdom with the advice of His Majesty's Privy Councill approved of & order'd the said Dunbar to quit the Possession accordingly this done at the Court at Kensington the 10th of August 1732; he therefore prays that he may have Opportunity to be heard in order to Remove all obstructions touching his bringing forward the Settlements, which he was encouraged to Undertake having Obtained the aforesaid order from the Crown, which he humbly presumed would allways safeguard him in his lawfull pursuit thereof, & being also prompted thereto by Repeated Messages from His Excell^y to the Court; the Votes of the Assembly in answer thereto, He Humbly hopes he shall not be forbid by an order from Your Excell^y & Honours to pursue the good & gracious intent of the Crown to have these Lands well Settled, which will render them vastly Serviceable to Great Britain by raising Quantitys of Naval Stores & be very beneficial to this Country also—

Your Pet^r also Prays that as Cap^t John Gyles the Commanding Officer at S^t Georges Fort is now here, an Interpreter to the Indians he may be cited to make Solemn Oath before this Court of what he knows Respecting the Dec^d Madocawando, & my Proceedings with the Penobscott Tribe & this Your Pet^r is the more Sollicitous for, inasmuch as he was many Years a Captive in that Tribe, & was with Cap^t Cyprian Southack in his Voyages amongst them; And was also with & Interpreted for your Pet^r in his Agreement of Settlement with said Indians, & as the said Interpreter Cap^t Gyles, & the Indians are now here, & their Dwellings from hence very remote, he prays this Opportunity may be embraced for determining the matter in Controversy, which may Otherwise retard your Pet^r making agood or Regular Settlement So that the Intent of the Crown will be defeated,

Yo^r Pet^{rs} great Labour & Expence lost & His Majes^{ty}s good
Subjects Settling there lyable to great Inconveniencys

And Your Pet^r shall ever Pray &c

S^a Waldo

In Council July 6 1736

Read

Petition, July 26 1736.

To his Excellen^y Jonathan Belcher Esq^r Captain
General & Commander in Chief in and Over his
Majestys Province of the Massachusetts Bay in
New England

The Petition of Samuel Waldo of Boston Merch^t Humbly
sheweth

That the Eternal Law of Selfpreservation makes it the
Indispensible Duty of every one; who hath acquired the
Just & Lawfull possession & Property to an Estate to use
all proper Ways and Methods to keep the same, and whenever
under an Apprehension of being dispossessed or Interrupted
in improving it as he thinks fit, not prejudicing his Neighbour
by his so doing, to do all that in him lyes in a fair & Open
way to prevent the Same: —When therefore your Petitioner
Considers the Present posture & Situation of his Affairs
touching the Settlements he is under Obligation to Compleat
& finish in a short Space of time at S^t Georges River, And the
Resolution the General Court Came into touching your Peti-
tioners proceeding to Settle that Country, It strictly forbids
his being Silent, but calls aloud upon your Petitioner once
more to make his Application to your Excell^y that you
would be pleased to direct that the Penobscott Indians by
their Delegates be notified to appear before the General Court
at their next sitting if they think fit, that your Pet^r may then

have a fair Opportunity, & not delayed by reason of their Absence to Satisfie that Great & Hon^{ble} Court that the Lands on both sides S^t Georges were long Since purchased of the Rightfull Owners by those whom Your Pet^r now holds Under And notwithstanding his Petition to your Excell^y of the 12th ins^t of the same purport being Considered by his Majes^{ty} Councill on Friday the 23^d Curr^t they were of advice to your Excell^y not to grant the Prayer of the Pet^r; Yet when your Pet^r takes a View of the Several Steps heretofore taken by the Great & General Court when under y^e Administration of the late S^r William Phipps Knight Cap^t General and Commander in Chief, the Hon^{able} William Stoughton Esq^r Earle Bellemot, & William Stoughton Esq^r again, the Hon^a Joseph Dudley Esq^r the Hon^{ble} Samuel Shute Esq^r and his Majestys late Gov^r Burnet, & in the several treatys of Peace and Submission made by the Eastern Indians, and the Penobscott Tribe in particular; The Lands which are now Settling by your Pet^r were Included among other Tracts to be belonging to the English: In a more especial Manner Anno 1725, upon Signing the Articles of Pacification with the Eastern Indians the General Court appointed a Committee of both Houses to Search into the purchases made of the Indians, that every thing relating to the Titles and Claims might be reduced to a Certainty that no future disputes concerning the English Titles Possessions & Improvements should arrise who then shew'd Madocowando Chief Sachem of the Penobscot Tribe his Deed to S^r William Phipps Kn^t for those Lands on S^t Georges River,

The Indians who before pretended a Right to those Lands after a full debate thereon receeded from their Claim, Lieut^t Gov^r Dummer Once and again telling them, these Lands belonged to King Georges Subjects, who had purchased them & therefore could not be disposses^d or forbid improving them;

after which the Delegates from Penobscott expressed their Gladness that Madocowando's Deed was shewn them & promised at their Return to acquaint their Tribe therewith And at the Ratification of that Treaty at Falmouth in Casco Bay the year following when was present the late Lieu^t Govern^r Duñier then Com^r in Chief with a quorum of his Majestys Councill & a Considerable Number of the Hon^a House of Representatives: The Indian Delagates from Penobscott & Several other Tribes & a great Number of Indians being convened there, at the afores^d Ratification they Confirm'd what their former Delegates did Respecting those Lands and freely consented his Majestys Subjects Should hold Possess and Enjoy their former Possessions & Improvements of the Lands at which time it was well known to them that about five Years before your Pet^r & Partners had built a Strong house which is now Standing & improved by the Govern^t in carrying on the Truck and erected near thirty frames for houses all which they Anno 1722 in a hostile Manner intended to Waste & destroy by fire, but were defeated & beat off by those employ'd under your Pet^r & Partners; When Your Pet^r looks back, & sees the vast Cost & Charge he & his Partners Expended in Settling that Country from 1719 to 1722 till the breaking out of the last Indian War, is all lost and Sunk, The Steadiness & Resolution of the Company in carrying on the afores^d Settlements till Interrupted by some direction from the Crown, to the Hon^{ble} David Dunbar; and then the Gent^l Shew^d their Sincere design to Settle the Lands by agreeing with y^r Pet^r on certain Conditions to take a Voyage for Great Britain to remove those obstructions; which after an Expensive Application to his Majesty was, by Your Pet^r happily Obtain'd, that soon after Her Majestys Royall order came to your Excell^ys hands ordering Col^o Dunbar to quit those Lands, Your Excell^y Issu'd out a Proclamation with the advice of his Majestys Councill Notifieing the Inhabitants of

this Province therewith, that as those that had a Right to these Lands might reap the fruit & benefit of that Royall order — that such Persons as had a lawfull Claim to any of the said Lands and had been unjustly disturbed in the Possession & Improvement of them might be assur'd of the Protection of the Laws of this Province for maintaining their just rights and property and be Incouraged to proceed in Settling and Improving the same: And on the 4th of April following you gave the Court to understand that Col^o Dunbar was Removing from the Lands of the Province in and about Pemaquid in Conformity to his Majestys Royall orders and that Since there was something done towards the Rebuilding of that Fort, You hoped they would make the necessary Provisions for rendering it Strong & defensible, for the Kings Honour And for the Safety of that part of the Frontiers: Adding that doubtless that was the best respect & duty the Court could express to his Majesty in return to his ready Goodness & Justice Shewn the Court in Answer to their Earnest Sollicitations, for Removing the s^d Col^o Dunbar, & for his Majestys declaring at the same time his Royal Pleasure, & every particular Proprietor of the Lands before Mention'd Should quietly enjoy their Just & Lawfull Rights. On the fifteenth of Aug^t 1733 in your Excell^{ys} Speech to the Hon^{ble} Councill & House of Representatives you desire them to look back on their repeated Obligations to his Majesty respecting the Country in and about Pemaquid, & to Consider their great Obligations of Duty, & Gratitude, to the King, for his Goodness in hearing and Granting their Request; and then you hope they would no longer let that Fort & Country continue desolate & Neglected as at that day but that they would do what might, be reasonably Expected for the Honour of the Kings Govern^t in the Protection and Encouragem^t of the Settlements there to which the Assembly Reply & say, they Readily & Joyfully Acknowledge his

Majesty's great Justice & Goodness in Confirming the Jurisdiction of this Province over those Eastern Lands, & shall treat the People on them with the same Care & Justice as other his Majestys good subjects in the Rest of the Province— At a Session of the General Court Nov^r 2^d 1732 Your Exc^y Acquaints the two Houses you had made a Tour into the Eastern Country & after the fullest and most particular View in Travelling by Land & Water, into th'e River's of S^t George Kennebeck & Saco you Say of S^t George thus ; within a few Leagues of that Fort may ride the whole British Navy & there are good Bays for Settling Towns & making them defensible & Your Exc^y could not but think that Country would in time be equal in every thing to any part of New England & therefore well worthy of all the Support & Assistance this Government could possibly give for bringing forward the Settlement thereof & to that end as well as for the more Extensive good of the Province, You thought it a point of Wisdom, to encourage Good Protestants of all Nations, & Denominations, to come & dwell among us ; from whom they might gain the knowledge of a better Cultivation of the Lands & of many Manufactures they were then Strangers to. The House replyed to the Article touching the Lands that they were not Sensible wherein they had Shewn any backwardness to promote the Cultivation of the Lands, but Should be willing & ready at all times in Conjunction with your Excell^y to be active in that Laudable Article. If what has been observed may have its due weight & Consideration who would not esteem the Title Your Pet^r Stands & Rests upon was not sure & Immoveable:— The Great Sums of money Yo^r Pet^r expended since Col^o Dunbar's quitting that Country & what further must necessarily be added to compleat two Towns in a defensible manner, but which when perfected will be of Service even to great Britain, that Country being adapted to furnish Naval Stores & may

be the occasion of Preserving a Nursery for Valuable white pines, and the Trade & business of this Province much eased by a Safe Recourse into those parts. Yo^r Pet^r expects a great number of Irish Protes^{ts} to arrive in these parts in a Month or Two having Engaged three ships for that purpose whose Passengers your Pet^r has Contracted with to Settle on the Lands there. These Motives with others too many to trouble your Excell^y with, Engage me without any further Delay of mine, now to make this my repeated application to your Excell^y being inform.d your Excell^y intends the General Court shall meet at the time they stand prorogued to, That some from the Penobscott Tribe may be Seasonably Notified to attend the Great & General Court & that your Excell^y would be further Pleased to direct the attendance of two able Interpreters that every thing may be rightly understood & put in a true fair and impartial light assuring your Excell^y that if the Indians may attend, y^r Pet^r will take Effectual care Seasonably to dispatch y^r Excell^y's orders for that purpose, and at your Pet^r's own cost, & Charge, Answer and defrey the Charge in bringing them here, Supporting them while attending the General Court, & Returning them to their Homes, of this my offer I beg leave to acquaint your Excell^y, being Inform.d that some of His Majestys Council, did acco^t it a charge not proper for the Govern^t to sustain & therefore possibly not of advice that they Should attend; I hope & firmly believe if this my Petition may be granted which with all possible deference to your Excell^y I esteem will be Consistent with Justice, It will perpetuate a good understanding between the Indians resorting to those parts and your Petitioner & those he shall from time to time send down there, which he shall ever Strenuously endeavour after, And that Country soon brought into a flourishing Condition & many of his Majestys Loyall Subjects Set down & in great

peace and Quietness Improve the same which must needs
rejoice the Hearts of all well wishers to New England

And Yo^r Pet^r shall ever Pray &c

S^t Waldo

Boston July 26th 1736

At a Council held at the Council Chamber in Boston on
Tuesday the third Day of Aug: 1736

His Excellency having communicated to the Board
this Memorial or Petition, and asked their Opinion thereon
whether they do advise him to Grant the Prayer thereof,

The Question was put whether the Council Advise His
Excellency to Grant the Prayer thereof, & it pass'd in the
Negative. Simon Frost Dep^t Sec^y

Petition of Sam^l Waldo July 27th 1736

To His Excell^y Jonathan Belcher Esq^r Captain
Generall & Co^mmand^r in Chief in and Over His
Majesties Province of the Massachusetts Bay &c:

Humbly Sheweth Your Petitioner Samuel Waldo of Boston
Merchant, That in as much as Cap^t John Gyles the Co^mmand-
ing Officer att the Truck house on S^t Georges River in the
Eastern parts of this Province is in the pay & Service of this
Government as Interpreter to the Indians, (& being now here
by Your Excell^ys permission) was in the life time of Madoc-
owando late Sachem of the Penobscott Tribe taken Captive,
& remained so many Years dureing which Captivity his Res-
idence was amongst that Tribe, he cannot therefore but well
know, what Character, Post & Station the aforesaid Madoco-
wando Sustain'd in that Tribe, & how they behaved towards
him.

Your Petitioner also begs leave to Set forth that the afores^d
Cap^t Gyles after his Return from Captivity belonged to the
Province Galley Cap^t Cyprian Southack Co^mmander & did
Severall times go from hence to Penobscott & other parts

Eastward with the s^d Cap^t Southack in quest of English Captives when Severall were purchased of the afores^d Madocawando, the said Gyles being then a Coxwain of the Ships Boat oft times went on Shoar with the Captain.

Further that in April 1735 Your Pet^r took a Voyage to S^t Georges River to vissit the Penobscott Indians & Cultivate a good Understanding with them, which after severall days Conference with them about my Settling up that River all matters were well accomodated between Y^r Pet^r & said Indians, and in Novem^r following according to my promise in April I gave them another Vissitt, & att the Interview I then had with their Cheifs a Considerable number of their Tribe being present they to a Man declared themselves well sattisfied with my Intentions of Settling in those parts, & carrying my Settlements to the head of S^t Georges River: att both which Interviews Cap^t Gyles was improved as Interpreter & was well acquainted with all the discourse between Your Pet^r & the said Indians, And what promisses mutually passed — Wherefore Your Pet^r most humbly prays Your Excell^y would Signifie to Your Officer Cap^t Gyles that he draw up a Declaration of what he knows concerning the afores^d Madocawando and the Transactions between Your Pet^r & those Indians att St Georges in the afores^d Months of April & Novem^r before he depart^d from hence & make oath thereto, and that Your Pet^r may be present att the Caption thereof the Cost & Charge shall be answer'd by Y^r Pet^r.

Your Pet^r applys to Your Excell^y in this manner because when the said Cap^t Gyles was before a Co^mittee of the Council & Hon^{ble} House of Representatives during the last Setting of the Generall Court he refused making answer to Severall things putt to him by the Com^{tee} relating to what passed att the aforesaid Interviews: as he did to some questions putt to him by Your Petitioner excuseing him self for that he was Interpreter for the Government, which its humbly Conceived

rather obliges him especially when called upon by his Employers, to make a full free & Impartial discovery of what accrewed to him, that the Government might be the better Inabled to do Justice when a dispute arrises touching fauts or words: And Your Pet^r questions not but upon Cap^t Gyles making a full plain & true discovery of what he knows relating to Madocawando & the afores^d Interview Some palpable mistakes & misconceptions will be intirely removed, which can disserve none but may be a Singular Service done this Government.

And Yo^r Pet^r Shall Pray &c

Boston July 27th 1736/

S^t Waldo

At a Council held at the Council Chamber in Boston on Tuesday the third Day of August 1736.

His Excellency having communicated this Petition to the Council, And ask'd their Opinion thereon —

Advised, That His Excellency acquaint Cap^t Gyles, that his Office of Interpreter ought to be no Restraint to him in giving his Affidavit relating to the Affairs within mentioned.

Simon Frost Dep Sec^{ry}

Letter to Col. Tho^s Westbrook Sept. 7, 1736.

Sir

His Excellency the Govern^r has lately rec^d a Letter Dated the 23^d of Aug: past from Harrow House in Falm^o without being Signed by any person, complaining of Insults & Threatening &c some of your People have met with from some of y^e Indians, without giving any Reason therefor in the said Letter. w^{ch} inclosed a Letter from Capt. Tho: Smith of the Truck House at Saco Falls directed to yourself wherein His Excell^{cy} was inform'd that three Indians belonging to

Ammiscogan River were at Biddeford in Order to take passage on Board a Sloop bound here, & y^t their Business was to complain that the River leading to the Sebago Ponds was so dam'd and Obstructed that the Fish cou'd not pass up to the said Ponds,

Fish is their principal Subsistence in the Su^mer Time and that for want of which they are like to be Starved &c. w^{ch} is tho^t to be the Reason that they have troubled you. in your letter you speak of sending up Affidavits of the whole affair in a little Time His Excellency thinks it not proper for him to give any order in this matter till the Compl^t be more properly laid before him.

I believe it will be therefore Advisable if the Indians continue their Compl^{ts} & Insults to get your Evidences sworn & their depositions sent up, with yo^r Compl^t in form and what Claims you have to make to the River & so as to Justify the stopping the Course and then the affair probably may be fully heard & determined. But you must look upon this only as my private opinion: I am

Letter from Noah Emery to John Higginson.

York January 6th 1737.

Sir

The Proprietors of Falmouth have Entered An Action at this Court against one Joseph Plumer for recovery of a mill & house & 125 acres land in Falmouth by Presumpscut river which I fear is y^e mill & land belonging to y^e heirs of D. Phippen. Whether you have such a Tennant there or not I Can't tell but I suppose by the description of ye Land & Mill in the writ it must be y^e same. I did not know anything of such an action being entered till this day after M^r Joshua Ward was gone the actions not being all Called for

abatem^{ts} till after his departure so that I could not send you word by him. I moved for a Continuance of the Action that I might give you notice thereof but my Motion was utterly rejected & that which Convinced me that it is your Land was y^e Agreement between y^e Plt^s & y^e Def^{ts} Council.

I Imagine that it was agreed on both sides y^t y^e Proprietors should have A Judgment for Possession & then you will be wholly rooted out. I tho^t best to let you know how it is that if it is yours you may Petition y^e Gen^l Court now Sitting to Supersede y^e Execution or Prevent their recovering y^e Possession in such a Collusive manner. I herewith send you a Copy of y^e Writ &c. that you may see how it is for I am apt to think this Plumer is somebody that has wrought in the Mill or on some of the Land & they have agreed in all things about it & y^e Pl^{ts} Come now for a Judgment to be Evidence of their title in time to Come — if this Concerns your Interest I would willingly know it & if I can serve you you may Com^{mand}.

Your humble serv^t

Noah Emery

Letter Nathl^l Jones & Nathan Look to Capt. Higginson & Co.

Falmouth January 18th 1737-8

Cap^t Higginson and Company Gent men, these are to Inform you That We have Been Lately very much Surprised by an uncommon Action For on Last Saturday In the afternoon we heard That the Proprietors of Falmouth Had arested Joseph Plumer for the Mill & House and aboute one hundred and twenty acres of Land and on Monday last the officer Came with an Execution and Gave the said Proprietors possession of the premises So that we are very much Disapointed in our Business for we had prepared for Logging But are Now

quite Disappointed. And it has been & is the Common Practice of the Inhabitation of the Town to Cut & carry Logs off of the Remainder of your Claim which you have Lett to us and carry the same down to the mills at the Falls; We would therefore Desire the favour of you that you would Give us Libberty to Cut & Carry Logs Down to the sd mills at the falls altho by our Leas we are Debared from the same and Signifie the same in writing as soon as possible and also desire you would send us word what will be best for us and your selfs to act concerning the premisses. So In haste we Subscribe our Selves

Your Real Friends & Humble Servants

Nath^l Jones

Nathan Look

Letter Noah Emery to John Higginson.

Portsm^o Jan^y 20th 1737.

Sir. I wrote you a Letter Jan^y 6th curr^t from York & sent it by Mr W^m Vaughan who was bound from York to Boston in s^d Letter I inclosed a Copy of a writ bro^t by y^e Proprietors of Falmouth against one Joseph Plumer for recovery of a Mill & a house & 125 acres Land in Falm^o which I supposed belonged to y^e Heirs & successors of David Phippen upon which writ y^e Prop^{rs} recov^d a verdict & Judgment for y^e Premises sued for even by Consent of y^e Def^t who I supposed to be some Person with whom they had agreed to recover Possession that they might have an advantage against you. they had Execution Immediately upon y^e Judgm^t & before now (I presume) have had Possession delivered them I mov'd for a Continuance that I might inform you of it (telling y^e Court y^e land was yours) but I

could not obtain it — y^e Defend^{ts} Council not Desireing it &
I Could not make it appear that Plumer was your Tennant —
My not knowing whether you rec^d my Letter I sent by M^r
Vaughan is y^e reason of my writeing now

I am yo^r humble servant

Noah Emery

M^r Seabery rec^d his pay for serving y^e execution from
Doct^r Moody.

(Superscribed)

To John Higginson Esq^r in Salem.

Letter Noah Emery to John Higginson.

Kittery February 6th 1737

Sir

Yours of the 24 Jan^{ry} last I rec^d & am sorry my letter
came so late to your hands that you Could not Obtain a Stay
of Execution however I hope the manner of their recovery
will not give much Credit to their title in time to Come —
in answer to your desire to know who were Judges & who y^e
Pl^{ts} Council &c. I think that Coll^o Pepperell & Coll^o Moul-
ton both mov'd off the Bench & there were other Justices
Specially Appointed in all Causes wherein the Standing
Judges are Interested or any way Disquallified Viz^t John
Hill & Joseph Sayer Esq^{rs} & they Sat as Judges on y^e
Case and I believe without any knowledge of any contriv-
ance or Design in the Pl^{ts} — M^r Livermore was y^e Pl^{ts}
attorney at Court but he did not draw the writ nor do I
believe that he knew any thing of it till it was bro^t to Court
but I suppose the writ was drawn down East among the Pl^{ts}
by some old form which they had there — there was not
much said on either side — nothing produced in Defence so
y^e case was easy — I suppose that I said as much (if not
more) without being desided by either party, as their

Lawyers said upon y^e Merits of y^e Cause My tho^{ts} of the matter is that y^e Pl^{ts} and Defend^t were all agreed how to proceed in the affair before any Lawyer whatever knew any thing of y^e action.

I am your Humble Serv^t

Noah Emery

P. S. I believe it best to Learn by some means or other who makes any Improvement of y^e Land or Mills & bring Trespass against them Immediately if they are y^e Prop^{rs} of Falm^o.

N. E.

Proprietors of Falmouth vs Joseph Plumer.

York ss

George the Second by the Grace of God of Great Brittain, France & Ireland King Defender of y^e faith &c

To the Sheriff of our County of York his Under Sheriff or Deputy Greeting

We Command you to Summon Joseph Plumer of Falmouth in our said County of York Millwright, (if he may be found in your Precinct) to Appear before Our Justices of Our Infer^r Court of Common Pleas Next to be holden at York within & for our said county of York, on the first Tuesday of January next then & there in our said Court to answer unto the Proprietors of the Common and Undivided Lands within y^e Township of Falmouth aforesaid in a Plea of Trespass and Ejectment of a Tract of Land Situate in Falmouth aforesaid and is part of the Common & undivided Lands of Falmouth aforesaid, Said Lands lying on the North Easterly side of Presumpscot river in Falmouth afores^d and bounded as followeth beginning at a stake standing on the North side of the Northwest branch of Piscataqua River which is a Branch

of Presumseut River afores^d Said stake being one rod below the uper Mills on the said Northwest branch of Piscataqua River afores^d and from said Stake runing South Eleven Degrees west one hundred & forty seven rods to a stake & from thence East sixteen degrees North two hundred & fourteen Rods to a stake thence North six degrees East Eighty rods to a stake thence West one hundred & seventy six Rods to y^e first Bounds Mentioned Containing one hundred and twenty five Acres (be the same More or Less) & a Saw Mill & Dwelling house thereon Standing for that whereas the Proprietors of the Common & Undivided Lands within the Township of Yarmouth afores^d in the Month of May Anno Domini 1730. were seised in fee of the Premises takeing the Rents & Esplees thereof to y^e value of ten shillings p Annum & ought to be & remain in Quiet and Peaceable Possession thereof yet the defend^t sometime in April Anno Domini 1733 did Illegally Enter into & upon y^e Premises & doth unjustly refuse & deny to Deliver the Posession thereof to y^e Pl^{ts} Tho^u thereto often requested which is to y^e Damage of the said Proprietors of the Common & undivided Land within the Township of Falmouth afores^d (as they say) the sum of two hundred Pounds which shall then & there be made to appear with other due damages And have you there this writ with your doings therein Wittness William Pepperrell Esq^r at York the first day of December in the Eleventh year of our reign Annoque Domini 1737

Jn^o ffrost Clerk

The defend^t for Issue pleads that
 he is not guilty in manner & form
 & thereof puts himself on the Country
p W^m Parker his Attorney

}

J. Moody }
 S. Moody } Proprietors —

York ss Falmouth Decem^r the 17th 1737 —

Pursuant to this writ I have summoned the within named Joseph Plumer to appear at the Place & time within mentioned by reading the within writ to him.

Attest Barnabas Seabury Dep^{ty} Sheriff

The within & above written is a true Copy of y^e writ return and Plea

attest Jn^o ffrost Clerk

York ss. At y^e Infer^r Court of Common Pleas held at York within and for the County of York on the first Tuesday of January A. Dom 1737 — The Proprietors of the Common & undivided Lands within y^e township of Falmouth within Mentioned recovered Judgm^t upon y^e writ (of which y^e within is a True Copy) against Joseph Plumer for Possession of y^e Premises sued for & Costs

Attest Jn^o ffrost Clerk

John Higginson's Petition.

To His Excellency Jonathan Belcher Esq^r Captain General & Govern^r in Chief in and over His Majestys Province of the Massachusetts Bay in New England and to the Honb^{le} His Majestys Council & to the Honb^{le} House of Representatives in General Court Assembled, ~

The Petition of John Higginson in behalf of the heirs and Representatives of the heirs of David Phippen late of Falmouth Dec^d most humbly Sheweth —

That the s^d Heirs and Repre^{ves} on the first of February 1736 being Seized of a Tract of Land in Falmouth with a Dwelling house & Saw Mill thereon Demised the Same to one Nath^{el} Jones to hold to the first of June A. D. 1738 ~ That Joshua Moody & Sam^{el} Moody of Falmouth afores^d on the first day of Decemb^r A. D. 1737 contriving to Defraud

and Oust the s^d Heirs &c, brought Ejectment in the name of the Prop^{rs} of Falmouth for the s^d House and Mill and about One hund^d & Twenty five acres of land against one Joseph Plummer who was not nor had ever been in possession of the premises And by his consent obtained Judgment (at the Court of Co^mon pleas held in York on the first Tuesday of Jan^{ry} A. D. 1737) for possession of the premises Sued for & costs And Accordingly had possession given them immediately after the Court before the s^d Heirs &c^a or Their Tenant had notice thereof and under that colour of Law have cut near One hundred Thousand feet of pine Boards & destroyed great Quantities of Timber there growing against all which irregular & extraordinary proceedings Your Petitioner most humbly prays that the s^d Heirs &c^a may Obtain such Relief as upon hearing the Circumstances of the Case in your Honours Great Wisdom and Justice Shall Seem meet And yo^r Petition^r as in Duty bound shall ever pray

June 13, 1738

John Higginson for Self & others

In Council June 15th 1738 Read & Ordered that the Pet^{rs} Serve the Adverse party Joshua Moody & Sam^l Moody with Copys of this Petition that they Shew cause (if any they have) on the first Fryday of the next Session why the prayer thereof Should not be granted —

Sent down for Concurrence

J Willard Sec^{ry}

In the House of Rep^{tes} June 23^d 1738 Read & Concurred,

J. Quincy Sp^{kr}

28 Consented to

J Belcher

In Council Decem^r 9th 1738.

Read again together with the Answer of M^r Samuel Moody & M^r Moses Pierson Attorney for Josua Moody Esq^r &

Ordered that the further Consideration of this Petition be refer'd to Wednesday the tenth of January next that so the Prop^{rs} of Falmouth may have Time to make Answer to it;

And that the Petitioner do forthwith Serve the Clerk of the Proprietors or Some Principal Proprietor with a Copy of the Petition accordingly.

Sent down for Concurrence. Simon Frost Dep. Sec^{ry}

In the House of Rep^{ves} Dec^r 11th 1738. Read & Concur'd with the Amendment viz^t, Dele Wednesday the tenth of January — and add the first thursday of the Session of this Court in May,

Sent up for Concurrence

J Quincy Sp^{kr}

In Council Decem^r 12, 1738.

Read & Concur'd with the further Amendment viz^t Dele the tenth of January & add Wednesday the Seventeenth of January next if the Court be then Sitting if not, &c.

Sent down for Concurrence Simon Frost Dep^t Sec^{ry}

In the House of Repres^{ves} Dec^r 14, 1738

Read and Non concurd and the House adhere to their last vote,

Sent up for Concurrence

J Quincy Sp^{kr}

In Council Decem^r 14, 1738. Read & Concur'd

Simon Frost Dep^t Sec^{ry}

Consented to,

J Belcher

In Council June[~]16, 1739

Read again & it not Appearing to the Court that the petitioner had served any of the Proprietors of Falmouth with a copy of this petition since the last order of this Court

Ordered that the further Consideration of this Petition be referred to the Second Tuesday of the fall Session & that in the mean time the Petitioner to Serve the Clerk of the Proprietors or some principal Proprietor of Falmouth with a Copy of this Petition & orders thereon

Sent down for Concurrence

J Willard Sec^{ry}

In the House of Rep^{ves} June 16, 1739

Read & Concurd

J Quincy Sp^{kr}

18: Consented to

J Belcher

York ss/ June 26th 1739 by the Desier of the within Named John Higginson I have served Moses Pearson who is the Clerk of the Proprietors of the town of falmouth with a Coppy of this Petition and orders thereon By Reading the same to him
p Jeremiah Moulton: ter^t Und^r Sheriff

In Council Jan^{ry} 5th 1739.

Order^d that the Consideration of this Petition be further referr'd to the first Tuesday of the next May Session.

Sent down for Concurrence

Simon Frost Dep^t Sec^{ry}

House of Rep^{sves} Jan^y 5, 1739.

Read and concur'd Eben: Pomroy Speak^r Pro temp^r

9. Consented to,

J Belcher

In Council July 11, 1740.

Ordered That the Consideration of this Petition be further referr'd to the first Thursday of the next Session.

Sent down for Concurrence

J Willard Sec^{ry}

In the House of Rep^{rves} July 11th 1740

Read and concur'd

J Quincy Sp^{kr}

11 Consented to

J Belcher

“Cap^t Jones’ Deposition.”

Nathaniel Jones of Falmouth in the County of York Testifieth & saith that in the Year 1736 he took a Lease of a Saw Mill and a parcel of Land in Falmouth afores^d from John Higginson & others heirs & Assignes of David Phippen late of said Falm^o deçed & that on Monday the 16 of January

last he was by virtue of an Exõn on a Judgment against Joseph Plummer of said Falm^o bro't by some of the Prop^{rs} of Falmouth put out of Possession & Improvement of said Saw Mill which he had put into repair in order to proceed in sawing & has ever since been kept from his said business. And further saith that since his being put out as aforesaid the Mill has been Improved by some of the prop^{rs} of said Falm^o & near 100,000 foot of Boards cutt and saw'd there as he has been Informed. The said Jones further saith that the afores^d Joseph Plummer nor any one under him has to his knowledge for six Years past ever possessed or Improved said Mills or any Lands thereabouts nor has he any house or habitation near the same, And as the said Jones has been informed never was a prop^r Claimer or Occupant or so much as a Tenant at Will of the aforesaid Saw Mill.

Nath^l Jones

Boston 14 June 1738.

Suffolk Sc^t Boston June 14, 1738 — Nathaniel Jones made Solemn oath that the above written Declaration was the Truth & the whole Truth relating to the premises, taken in perpetuum rei memoriam,

| | | |
|-------|-----------------------------|--|
| Coram | Edw ^d Hutchinson | } Justices of the peace Quorum unus. |
| | Samuel Welles | |

To the R^t Hon^{ble} The Lords of the Committee of
His Majtys Most Hon^{ble} Privy Council.

My Lords

Pursuant to Y^r Lord^{ps} Order of the 27th of May last, we have had under our Consideration the humble Petition of Coll^o Dunbar Lieu^t Gov^r of N Hampshire & Survey^r Gen^l of the woods in N America, setting forth, “That he has been at great Expenses in building Forts & settling people on some

Lands deem'd to be the Western Parts of N^a Scotia for w^{ch} he had receiv'd no Recompense & praying to be relieved therein."

On this Occasion We have been several times attended by M^r Dunbar, & have had frequent discourses with him & examined into different Papers he has lay'd before us in relation to the Subject Matter of his Petⁿ, Whereupon We shall take Leave to observe to Y^r Lordp^s

That in the Year 1729 it being apprehended, that the Crown had a right to all the Lands lying between the Rivers Penobscot & S^t Croix, & it being at that Time represented, that Several Persons were disposed to settle in those Parts, Coll^o Dunbar was impowred by His Maj^{ty}s Instr^{ns} bearing date the 27th day of April 1730 to lay out Lands for all Persons so desirous under certain Conditions & Restrictions That upon the said Coll's arrival in those parts, he took possession of an old Fort call'd Pemaquid, w^{ch} the Crown had frequently recommended to the Massachusetts Gov^r to be taken Care of, & repair'd the same at a very Considerable Expense: That afterwards sev^l Persons applying for Lands in those parts, the said Coll^o Dunbar did sett out six different Townships, in the Neighbourhood of the said Fort & in most of the said Townships, as we have been inform'd by Mr. Henry Tripsack, Lieutenant in Col^o Philipps's Regiment and M^r George Mitchell, Deputy Surveyor of the Woods & Lands, there were about 50 Familys, w^{ch} were settled, Houses built & Lands cleared for them chiefly at the said Coll's Expense, w^{ch} the said ffamilys were to have repay'd him, by certain proportions, as they sh^d have been enabled by the produce of their Settlements But upon application some time after, to His Maj^{ty} in Council, It was found, that some other Persons claim'd the Lands, whereon these Settlements were made, & upon hearing the Matters by them alledged, It was order'd by His Maj^{ty} in Council, that the possession sh^d be restored

to such Claimers, & the Colony dislodged. Whereupon the said Persons so settled, being dispersed, were rendred incapable of making any Satisfaction to Coll^o Dunbar, who by his zeal, in making the aforesaid settlement has been a very great Sufferer.

On which account tho we cannot recommend Coll. Dunbar's Pretensions, as a direct Claim from the Crown, we nevertheless think him a proper Object of His Maj^{ty}'s Bounty & Compassⁿ, and deserving of such favour as His Maj^{ty} in his great wisdom shall think meet.

We are, My Lord, Your Lordships most obedient & most humble Serv^{ts}

Monson

Ja. Brudenell

M. Bladen

R. Plumer.

Whitehall July 4th, 1738.

Letter Secretary Josiah Willard to John Noyes

Sir

I am directed by the Gov^r & Council to acquaint you that the Indians of the Penobscot Tribe now in Town have made divers Compl^{ts} agst you as to your Conduct as Truck master, Particularly that you made them pay for Bread Tobacco & other Things that were wet & damnified by the Sinking of the Boat the same Price as if the Things were good and merchantable & that when some of their People bring small Quantities of Feathers & small Pieces of Fur, you throw their Things away & refuse to trade with them & bid them to trade with the French, & in general that you treat them with great Roughness & Ill Temper.

To these Complaints the Board expect y^{re} Answer, & that in the mean time you do every thing consistent with the other Parts of your Duty to make the Indians easy & well satisfied in their Trade with you.

Letter John Noyes to Secretary Josiah Willard

St Georges July 18 1738

M^r Sec^y Willard

I reed yours of July 6 And note the Contents, and Should have had great Satisfaction to have ben pressant, with the Indians when in Boston, The bread was wet when their was 64 Indians pressant, I was not desirous to have them take it, but it was Concerted by Cap^t Gyles, and the Indians, that it would Serve them for their prssant Spending, The bread was counted soe none was wrong^d

The Tobacco they had by the Fathum not by weight, I immediately sent for other Tobacco (They mention other things) Their was nothing more wet, I have not at no time refused the Smallist quantity of ffeathers nor the Smallist peices of Fur But frequently have acquainted them that they would be as well delt with If they brought their Beaver to Georges, as with the priveat Traders, and that Feathers & peices of fur was what the Traders refused, I have Strickly Observed his Exce^y Instructions w^{ch} is Two quarts of rum in Twelve dayes, The Indians by their ffrequent urging me for more rum, and my Adhearing to my Instruct, They term it ruffness and ill Temper, And as I have allwaies treted them with the greatest Sevility Soe Shall continue to doe, This with Submishion I offer to his Excellen^y and the Honour^{le} Councell — and remain their most Obedient humble Servant

John Noyes.

[Superscribed]

Deposition of John Coks Jun^r Aug 4, 1738

The Deposition of John Coks Jun^r of full Age Testifyeth and saith that he was at Mackerbedudus Sometime y^e last

Month and that he was there told by sundry Indians and French men that they beleiv'd and that We (meaning English) might Depend upon it there would be a Warr with y^e Indians for that they tho^t that neither y^e Governor nor M^r Samuel Waldo would pay them y^e land Down there, and perticularly that one french man told him that he was Sure there would be a warr with y^e Indians for that the Indians were continually posting from one place to another giving the Watch word to be In Readiness at an hour's warning and that they had Declared there was five hundred Indians Ready at Canada waiting only for orders to fall upon y^e English and that y^e Indians at the Aforesaid place had bro^t Considerable Quantitys of Ammunition from Canada w^{ch} was gave them as he understood by the French.

the aforesaid Frenchman further Declar'd to y^e Deponent that if there was not a Warr within a month he might Cutt his throat y^e next time he saw him for that he was sure the Indians would very shortly make Warr—The Deponent further Declared that he heard an Indian and an English Man say that the Indians abo^t y^e aforesaid time Tore up a Considerable quantity of Corne & burnt y^e fencing stuff of the English Settlers there—Who ask y^e s^d Indians y^e Reason of their so doing—they Replyed they had done it because that y^e English had not paid them for their land and that they would Burn y^e fencing stuff w^{ch} was their wood and further Saith not—Aug^t 4th 1738—

John Coks J^r

York ss Aug^t 4th 1738 Then the above John Coks Jun^r personally Appear'd before me y^e Subscriber and Made Oath to y^e Truth of the above Deposition—

Henry Wheeler: J: Peace

Letter Henry Wheeler to Hon W^m Pepperell

falmouth August the 4: 1738

Honoure^d Sur After my Servis to you these are to aquant you that Eversins I Received a Captains Commishon I have Desiered Cap^t Moodey to Divide the men which he never denied but Always Neglected in order to have it Done about five Months agoe I begun at both Ends of the town and made a List and Showed to Cap^t Moodey and Desiered a Divishion and for him to take his Choise Which he Neglected to Doe or Call the people to geather from the time you ware here till about a fortnight Agoe and on the morning of the muster Day i went to his house and shewed him the List which i had Showed him before and asked him if he would Divide by that or had thought of any Way of Dividing According to your order but he told me he Expected that I should have as formerly on Which i left him and When he and the Company Was in the feld I went with the Lieutenant and Insign and Demanded a Divishion According to your order he told me he knew nothing about it the Reason he gave for it was that you Never Consulted with him About the New Ofisers) he kept the men in the feld about two hours and then Led them into the town and Dismised them without Ever veiwing arms or Amunishon I should have Sent before but Expecting your Self Down to falmoth Every Day for these five months past which i pray you will Exsept of for an Excuse for my not sending no sooner till I have the hapynes to se your honour which will much Oblige Your humble Servant to Command

Henry Wheeler

Post Scrip Sir

I have here Inclosed an Evedence taken at the Request of Sundry persons as yool excuse

[Superscribed]

To the Honourable W^m Peprel Esq^r in Kitrey

Letter Col. W^m Pepperrell to Gov. Belcher Aug 7. 1738

May it Please yo^r Excellency

Inclosed is some Letters & an affidavit w^{ch} I received this day from Falmouth dont think it proper to make any Great stir Least it might frighton some that Live in y^e Frontears from their implyments but desire to write to y^e sever^l Cap^{ts} in y^e Regiment that they take particular care that their men be well provid^d with arms & Ammunition.

by yo^r Excell^{ys} direction Cap^t Wheeler was to take y^e Command of one of y^e Compannys in Falmouth, & Last Octob^r when L^t Coll^o Moulton & I was there we had a Gener^l muster & offer^d to assist in dividing y^e men but their answer was that they would do it amongst them Selves at amore Leisure time Since find there is a dispute amongst them, but I desire to goo there in afue days & then hope to accomadate y^e affaire

I am with Duty

Yo^r Excellencys Most Dutyfull & Hum^{ble} Serv^t

W^m Pepperrell

Kittery August 7th 1738

[Superscribed]

On His Maj^s^{ty}s Service To His Excellency

J Belcher Esqr

Cap^t Gener^l & Commande^r in chieff of His Maj^s^{ty}s Provinces
In New England att Boston.

*Letter Secr^y Josiah Willard to Col. W^m Pepperrell Aug 10.
1738*

Sir,

I am directed by His Excellency to acquaint you that he has rec^d your Letter of the 7th instant with the inclosed

Deposition & Letters: And desire that you would repair to Falmouth as soon as possible & put the Militia at Falm° & the other Towns into a proper Disposition & more especially that they be sufficiently furnished with Arms & Ammunition accordingly to Law, That you likewise endeavour to get what further Intelligence you can of the Motions of the Indians and send by__ to the Commanders of the Forts at St Georges Richmond, Brunswick & Saco & to the Officers in the new Settlem^{ts} to put them upon the guard & when there is no Officer to some of the principal Persons which you must do in so prudent a Manner as not to impress them with any unnecessary Terror, And His Excellency expects to be advised from you of the State of Things from the [sic, no signature.]

Letter Charles Frost to Hon. W^m Pepperrell

Falmouth Aug^t 15th 1738

Hono^d Sir

This I send by Enoch Moody who I understand is sent up to informe you that there is great suspition of a War wth y^e Indians there is a great body of y^m above us who threaten much what they will shortly do — and we are in a very poor Condition of Defence by Reason of y^e Indolence of y^e Officers — by what I can learn, not above one quarter of y^e men have annumition So that thô we have got a parcel of brave young fellows — we shall (if y^e Indians so incline) be knock'd in y^e head like fools—for want of proper care y^e Chief officer here will neither laugh nor Gee, as I suppose you will be fully inform'd by y^e bairer who I suppose has several Letters for you on that head, therefore shall not inlarge but should be glad there was such officers as would do their

Duty — on such occasions or on any one occasion — but he is such a Supine Retch that there is no Dependance on him — and beleive It would be as proper to have one of y^e Chief officers out of y^e Town (I mean y^e Neck) Colonel Westbrook Gives his Service and Impatiently waits to see Whether y^e Gentleⁿ Referrees will be down here or Whether they will act upon y^e affair at Boston — I remain wth Duty love and Service to all Respectively Due Yo^r Du^{ll} N^w & very Humble Serv^t

Cha. frost

The Hono^{ble} W^m Pepperrell Esq^r

Letter Col. W^m to Gov. Belcher Aug. 18. 1738.

May it Pleas Yo^r Excellency

pursuant to yo^r Command of y^e 10th Ins^t am now in this Town to inquire into y^e State of y^e Millitia and am pleased to find they are better provi'd^d wth Arms & Ammunition then Expect^d there is but fue Garrisons in these parts; as y^e people seem to be carefull hope if y^e Indians had any ill desine they will be discouraged; here is no further news in these parts but this day Cap^t Robert Marthous arriv^d here in a ship bound for Piscataqua he bro^t Stors for the Garrison at Canso took them out of aman of warr in Cadiz bay and in his Passage here put into aharbor on the Cape Sable Shoare & meet with as he saith what he hath here related by y^e inclosed Deposition

I am Yo^r Excell^{cy}s most Dutyfull & Obed^t Hum^{ble} Serv^t
W^m Pepperrell

Falmouth August 18th 1738

I have sent this acco^t to y^e several Forts at
S^t Georges, Richmond, Brunswick & Saco

August 19thMay it Please Yo^r Excell^{cy}

Yesterday Morning we took y^e Inclosed Deposition Cap^t Marthous then seem^d to be Solled, by y^e afternoon we procured aman & horse to proceed as an Express to you, but y^e s^d Captain hath since acted Like acraisey man & by his taulk we cannot Credit what he hath sworn too before y^e Justices, so conclud^d it was not best to put y^e Province to any needless charge & y^e People in afright; but I tho^t it adviseable to let y^e know the State of y^e Affaire, the Ship is gon for Piscataqua he saith he desires to tarey afue days there & then to proceed to New York. We could not com to discourse any of his men

I am as above

W^m Pepperrell*Falmouth, Support of Schools. 1737-1748*

May 20th 1737 — Voted That there be granted and paid out of the Town Treasury of Falmouth Twenty Pounds towards the Grammar School Masters Salary for the Present Year and that the first Parish have the Liberty of Settling s^d School Master where they see fitt They paying Him the Remainder of his Salary And that the second Parish be cleared from any further Charge Excepting their Proportion of s^d Twenty Pounds.

Recorded p Sam^{el} Moody Town ClerkA true Copy taken from Lib^o 2^{do} Fol. 157Attest Stepⁿ Longfellow Town Clerk

September 11th 1738 ~ Voted There be Fifteen Pounds Laid on the Polls & Estates in the Town of Falmouth to pay a School Master for six Months Service after this Day, and

that the Select Men are Impowered to provide a School Master & Asses s^d Money & pay s^d School Master.

A True Copy Lib^o 2^o Fol. 161: Att^t Stepⁿ Longfellow

Town Clerk

March 13th 1738/9 — Voted that the Sum of One Pound five Shillings be allowed and paid out of the Town Treasury to Jonathan Lincoln for y^e Use of his House (for the School) Ten Weeks as p Account on File ~

A True Copy Lib^o 2^o Fol: 164:

Att^t Stepⁿ Longfellow Town Clerk

September 17th 1739 — Voted Fifty Pounds for a School Master the Year Ensuing

Lib^o 2: Fol^o 172:

March 20: 1739 — Voted That there be granted & paid out of the Town Treasury of Falmouth Twenty Pounds towards the Grammar School Masters Salary for this present Year and that Messrs John Waite Isaac Ilsley Samuel Moody David Stickney James Gooding & Thomas Bolton Have the Liberty of settling s^d School Master where they see Fitt, They paying him the Remainder of his Salary and that the Town be Cleared from any further Charge Excepting their Proportion of s^d Twenty Pounds s^d John Waite Isaac Ilsley Samuel Moody David Stickney James Gooding & Thomas Bolton To have the whole Benefit of s^d School Master

Lib^o 2: Fol^o 178.

Decemb^r 24: 1740 — Voted Twenty Pounds be Assessed to pay the School Master as formerly voted by this Town this Year —

Lib^o 2: Fol: 180

March 10th 1740 — Voted that the Tax of two Pence p^r

Acre (which was Ordered by the General Court) on the unimproved Land in Falmouth for three Years for the Use of the Ministers and School in s^d Town be paid in the following Proportion – viz^t –

Fifty Pounds a Year for the Use of the School

Lib^o 2: Fol: 185.

Decb^r – 21: 1741 — Voted That Mr Nicholas Hodge be Grammar School Master for the Town till next March Meeting, and that He be paid by the Town in the same Proportion as He was in the Year 1739

Lib^r 2^d Fol: 187

May 17th 1743 — Voted That there be Twenty Pounds Old Tenor Raised on the Polls & Estates in this Town to pay a Grammar School Master for the Year Ensuing

Lib^r 2: Fol: 202.

May 17th 1745 — Voted that there be drawn out of the Town Treasury £130 old Ten^r to pay the School Master now Among us — viz^t out of the Money raised last Year to defrey Town Charges And that the Select Men shall proportion the Time the s^d Schoolmaster shall keep School According to the Taxes paid in Each part of the Town where he may be pleased by the said Select Men as they may think proper –

Lib^r 2^d Fol: 219

August 26: 1745 — Voted that there shall be Fifty Pounds Old Tenor paid toward the Support of the Grammar School Master now among us for this present Year Out of the Money raised last Year, And in Case the People on the Neck will pay s^d School Master the Remander of his Salary this present Year, they shall have the Benefit of him.

Lib^o 2: Fol 220

August 24: 1747 — Voted that there be allowed and paid

by the Town out of the Treasury Forty Pounds Old Tenor to pay a Grammar School Master for a Year to Come from this Twenty fourth Day of August.

Lib^o 2. Fol 233

January 7th 1747 — Voted That there be a Tax of Three Hundred & Seventy Pounds old Tenor, Laid on the Inhabitants in the Town of Falmouth and that the Assessors are directed to Assess the same to defray the Town Charges Including Seventy Pounds heretofore Voted to pay a Grammar School Master & the Repairing Stroud Water great Bridge —

Lib^o 2: Fol: 235 —

May 16: 1748 — Voted That Sixty Pounds old Tenor be raised on the Poles and Estates of s^d Town and paid to that part of the Inhabitants of s^d Town that will keep a Grammar School Master by the Direction of the Select Men of s^d Town this present Year.

Lib^r 2: Fol: 239:

The fore going are true Copies of the Votes as Recorded in the Town Book

Att^t Stepⁿ Longfellow Town Clerk

Answer to the Petition or Complaint of John Higginson.

To his Excellency Jonathan Belcher Esqr Captain General and Governour in Chief the Honourable the Council and the Honourable House of Representatives of His Majestys Province of the Massachusetts Bay in General Court assembled at Boston November 29th 1738 —

The Answer of Samuel Moody and Moses Peirson attorney for Joshua Moody to the Petition or Complaint of John Hig-

ginson for himself and on behalf of the heirs of David Phippen late of Falmouth dece^d

Most humbly Sheweth

That the Peti^{rs} have Set forth in their said Complaint to your Excellency & Honours That the heirs & Representatives of the said Phippen on the first day of February 1736 were Seized of a Tract of Land in Falmouth with a Dwelling house &c. and that the said Respond^{ts} on the first day of December 1737 contriving to defraud and oust the said Phippens heirs of the premises brought an Action of Ejectment in the name of the Proprietors of Falmouth for the said Land and premises Which is a misrepresentation to this Great and Honourable Court

For that the said Samuel & Joshua Moody Did not bring an Action of Ejectment as is insinuated for upon the face of the Writ it self it is plain and Evident That the Proprietors of Falmouth brought the said action in their own names & Capacity as by a Copy of the Writ herewith Exhibited may appear And the Respond^{ts} only Endorsed the Said Writ to secure the Costs And the Present Petiti^{rs} or Respond^{ts} humbly conceive this Great and Hon^{ble} Court has been misled by the unfair misrepresentation of the Complainants And thereupon were pleased to pass a vote upon the said Petition to serve the said Samuel & Joshua Moody with a Copy of the Petition and Order thereon when the Proprietors were overlooked who were principals in the said action and so have no legal notice to make answer to the said Petition.

Wherefore the Respond^{ts} most humbly pray That the hearing on the said Petition ordered by this Great and Honourable Court may be Suspended until the proprietors of Falmouth may be Served with a Copy of the Complaint that so they may make a proper Defence for themselves And that the said Samuel & Joshua Moody may not be held to make

answer thereto and that they may be allowed their Reasonable Costs.

And yr Peti^{rs} as in duty bound shall ever pray

Sam^l Moody

Moses Pearson Att^y for Joshua Moody.

Anno Regni Regis Georgii Secundi Duodecimo.

An Act for Erecting a Township in the County of York to be called by the name of

X

Whereas there is a competent number of Inhabitants already settled upon a Tract of Land lying within the County of York hitherto called, and known by the Name of Brunswick containing the Quantity of about six Miles square and lying convenient for a Township, and whereas said Inhabitants have humbly petitioned this Court that in Order to provide a suitable Maintenance for the Minister settled among them they may be erected into a Township, and Vested with the Powers and Authorities belonging to other Towns; excepting only the Power of Granting and disposing of Land which they Acknowledge to be A in the Proprietors who placed them there

Therefore for Encouragement of the said Settlement

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled and by the Authority of the same; That the said Tract of Land described in a Platt now returned to this Court as follows: Beginning at the Mouth of a Brook or Rivulett called Bungamunganock running into Maquoit Bay where it touches upon North Yarmouth Line and from the mouth of said Brook to run upon a Course North North West half West-erly five miles into the Wilderness leaving a Wedge or strip

of Land between said Line and North Yarmouth, and from thence upon a Course North East four miles to the Second Falls of Amascoggin alias Androscoggin River from thence down said River by Fort George, and down Merrymeeting Bay so far as Stephen's carrying place, including several small Isletts lying in said River above said carrying place, and over said carrying place to the head of the Creek or River that runs up to the other side of the said carrying place thence down said Creek or River to the Mouth thereof including an Island therein, and from the mouth of said River to run by the Water side south-westerly to the south west point of a place called the New Meadows thence to strike across the Cove, upon a Course North North West till it meets and intersects the upper end of Merryconeeg Neck four Rods above the Narrows of said Neck commonly called the carrying place thence to run along the shore to a Neck of Land called Mair Point about a Mile and a quarter down said Neck thence to cross over said Mair point and Maquoit Bay upon a Course North west till it comes to the Place first above mentioned: Be and henceforth shall be a Township to be called _____ and the Inhabitants thereof shall have and enjoy all such Immunities, Priviledges and Powers as generally other Towns in this Province have and do by Law enjoy. ~

Excepting only the Power of Granting and disposing of Land which the Inhabitants acknowledge to be in the Proprietors who placed them there. With a saving for any and all other Grants, Titles, Interests, or Estates, that may be found within the same.

In the House of Rep^{ves} Dec^r 12, 1738. Read a first time
13th Read a second time. 14th Read a third time & passed
to be Engrossed. Sent up for Concurrence

J Quincy Sp:^{kr}

In Council Dec^r 14, 1738 Read a first time 19 Read again
& Pass'd a Concurrence with the amendm^t viz. Dele **A**

Sent down for Concurrence.

J Willard Sec^y

In the House of Representatives December 19th 1738.
Read & Concurd with the further Amendment at **X** Dele
to be called —

Sent up for Concurrence

J Quincy Sp:^{kr}

In Council Decem^r 20, 1738 Read

Petition

To his Excellency Jonathan Belcher Esq^r Captain
General and Governour in Chief the Hon^{ble} the
Council and Hon^{ble} House of Representatives of
His Majestys Province of the Massachusetts Bay
in New England in General Court Assembled May
30th 1739

The Petition of the Proprietors of the Point of Land in
Casco Bay in the County of York Called by the name of
Marepoint —

Humbly Sheweth

That Whereas the said Point of Land is One Half part of
it within the Bounds of the Township of North Yarmouth
and having paid Rates and Taxes to said Township both to
Church and State Althô the Inhabitants there live Twenty
Miles Distant by Land from the Meeting house and Ten
Miles by Sea a Cross Two dangerous Bays Especially in the
Winter time being also many times Impassable in Canoes
with their Familys Thereby Depriving them of the Publick
Worship of God for a Great part of their time is a great
discouragement to the Tenants.

And Whereas this Hon^{ble} Court have been pleased this last
Year to Invest the Township of Brunswick with all Privi-

ledges as the other Towns in this Province Enjoy and that Brunswick meeting house is but two Miles Distance from the Upper End of said Point makes it Easy to Repair thereto without the Danger and Difficulty of the Winter and Tempests and the very Great length of way by Land.—

May it please Your Excellency and Honours We humbly pray that you would be pleased for the prevention_ the afore-said Inconveniencys to sett off the familys that may Inhabit said Point of Land from the Town of North Yarmouth and Annex them to the said Town of Brunswick Especially Since One half part of said point of Land is within the said Township of Brunswick already as by the plan thereof now on the files of this Court for making Brunswick a Township may appear —

And Your Pet^{rs} as in duty bound shall ever pray &c.—

Tho: Palmer

And for John Wentworth of piscoqua & by his Desire, proprietors —

Geo. Minot for himSelf

& as attourney to his Bro^r John Minot

Elis^a White admn^x

In the House of Rep^{ves} June 16, 1739 Read & Ordered That the petitioners Serve the town of North Yarmouth with a Copy of the Petition that they shew Cause if any they have on the first friday of the next sitting of the Court why the prayer of the petition should not be granted, & the petition is referred in the mean time for Consideration

Sent up for Concurrence

J. Quincy Sp^{kr}

To the Honourable Board There lying at pr^{esent} before your Honours A Complaint signed by Jn^o Higgeson

Esq^r in Behalf of the Heirs of David Phipen Deces^d, against Joshua Moody Esq^r & M^r Samuel Moody & upon their Answer there pass'd an Order on s^d Complaint that the Proprietors of Falmth should be Notified to make Answer thereto, who having appointed me to Answer y^e Same, Which is Referred for A hearing untill Tuesday next at which time I am in hopes to be at the Court, but haveing been Detained for Some time by An affair of Importance & Stormey weather & being in A poor State of health, & it being likely to be Bad Traveling, So that probabely I may be Detained on my Journey & not get to Boston by the Time Sett for hearing the s^d Complaint. And if it should so happen I Beg the Favour of your Honour the Same to defer for A few Days untill I shall be able to Come, I propose this Day to Set out on my journey for Boston ~

I am your Honours Humble Serv^t

Falmth March 13th 1739.

Phinehas Jones

Petition

To His Excellency Jonathan Belcher Esq^r Captain General and Governour in Chief in and over His Majesties Province of the Massachusetts Bay in New England To the Hono^{ble} His Majesties Council & Hono^{ble} House of Representatives in General Court Assembled by Prorogation at Boston Sept^r 1739 —

Phineas Jones of Falmouth on behalf, and by order of the Inhabitants of the said Town —

Humbly Sheweth

That about three years agone the Great & General Court or Assembly of this Province in Consideration of the charge the Inhabitants of Falmouth had then bin at, were pleased to order that the Wast Lands in the sd Town should be taxed

a penny p Acre towards Defraying the same but thro the delay of the Persons Concerned in Committing to the Constable the Warrant for the Assessment in due time, the Inhabitants have had no benefit by the General Courts order. And in this present Year 1739 the Inhabitants have been at near twenty hundred pounds Charge in building a Meeting house & Bridges in the said Town & will be obliged to fortify their houses & also to pay about five hundred pounds more for the Support of their Ministers and Schoolmaster, if the Proprietors & owners of the Unimproved Lands are not obliged to help them defrey that Charge And in Regard the unimproved Lands are Defended and bettered by the Inhabitants Who Venture their Lives in this time of Apprehended Danger and meet with many Difficultys in their new settlements & the Wast Lands make up near nine tenths of the whole Township & are much more Valuable by the Improvem^{ts} & Industry of the Inhabitants — Your Pet^r in behalf of the setlers & Pursuant to their Vote humbly prays Your Excellency & Honours to take the p^rmisses into Your Wise Consideration — And to Assess the Wast or Unimproved Lands in the s^d Town two pence p Acre at least for three years yet to Come the better to Enable the Inhabitants of the s^d Town to Defrey the great Charge of supporting their Ministers & Schoolmaster during that time — And Your Pet^r (as in duty bound) shall Pray &c —

Phinehas Jones

In the House of Repr^{ves} Oct^r 2, 1739

Read and Ordered that the Petitioner give publick notice to the Nonresident Proprietors of the Unimproved Lands in said Town by inserting it in the Boston Newspapers four Weeks successively at least that they shew cause (if any they have) why the Prayer of the Petition should not be granted on the first thirsd^y of the next sitting of this

Court and the Petition is referred in the mean time for Consideration.

Sent up for concurrence J. Quincy Sp^{kr}

In Council Oct^r 2 1739 Read and Concurr'd

. Simon Frost Dep^t Sec^{ry}

Consented to J. Belcher

In the House of Repr^{ves} Dec^r 22^d 1739

Read again. And in answer thereto Ordered that the Unimproved Lands in said Town be Subjected to a Tax of two pence p Acre p annum for three Years next Ensuing, and that no Difficulty may arise about the said Unimproved Lands,

Ordered that all lands not within Lawful Fence be Subjected to said Tax,

Sent up for concurrence J. Quincy Sp^{kr}

In Council Decem^r 28, 1739 Read and Concurr'd

Simon Frost Dep^t Sec^{ry}

Consented to J. Belcher

Answer to the Petition of John Higginson.

To His Excellency Jonathan Belcher Esq^r Cap^t General and Governour in Chief in and over His Majesty^s Province of the Massachusetts Bay in New England and To the Hon^{ble} the Council and to the Hon^{ble} the House of Representatives in General Court Assembled at Boston May 1740 ~

The Answer of the Proprietors of Falmouth to the Petition of John Higginson in behalf of the Heirs and Representatives of David Phippen late of Falmouth Deceased ~

The Respondents say that true it is that your Respond^{ts} on the first day of December 1737 bro't their Action of Ejectm^t against one Joseph Plumer for the Possession of One Hundred Twenty five Acres of Land & of a Dwelling House

& Saw Mill thereon Standing which Action was prosecuted at the Inferiour Court of Common Pleas held at York for the County of York on the first tuesday of January following where the s^d Plumer appeared by his attorney & after A fair hearing of the Case it was Committed to the Jury who found for your Respond^{ts} the Premises sued for & Costs, from which Judgment the s^d Plumer moved for an appeal but failing to give Bond to prosecute his s^d Appeal — Your Respond^{ts} obtained Execution for possession of the Premises Sued for as afores^d & accordingly received the possession of it, & have ever Since improved the Same which your Respond^{ts} think they have good Right to both by Law & Equity, but not by Cutting & Destroying the Timber as Complained of that being (to your Respondents great Damage) almost if not wholly Destroyed before. But what is Complained of that it was with Design to Defraud & Oust the Complainants is without Grounds for the Design was without fraud by Course of Law to Oust the s^d Plumer, & thereby to Obtain Our Just Right which was unjustly withheld he being the Person who had for some Years been in the actual possession And improvement thereof & had often declared that he had a Bond from the Complainants to indemnifie him against any Action your Respond^{ts} should bring against him for the Premisess, & the Lease mentioned in the Complaint your Respond^{ts} then & yet are ignorant of Except what they know by the Compl^{ts} The Lessee keeping his Lease Concealed if he had one (at least from your Respond^{ts}) & not making the Least improvements upon the premises so that your Respond^{ts} Could not lay an Action against him — And as the Law is Open for the s^d Plumer if he be agrieved at the Judgement Obtained against him by Reviewing the Action before the same Court, & thereby bring it into A Course of Law, as likewise the Complainants have the Law open on their Side & no way foreclosed by any Action of your Respond^{ts} or any

Judgment by them Obtained So that if they have any Claim to the premises your Respond^{ts} humbly Conceive that the matter ought according to Law & Custom to be heard & tryed in a Court of Judicature according to the Course of Common Law where each party may produce their Evidences & be heard & tryed by a Jury & your Respondents humbly Conceive it would be without President where the Law is open for all partys, for your Excellency & Honours to enter into the Consideration of the Merits of the Cause & therefore pray that the Complaint be Dismissed as groundless & Litigious & your Respond^{ts} havè their Reasonable Costs allowed them — But if your Excellency & Honours shall in your great wisdom Judge meet to take the premises into your wise & Equitable Consideration and Determin & Judge thereon your Respond^{ts} doubt not but that upon a fair hearing of the matter they shall produce such Evidence to prove both the justness of their Title & the fairness of their Obtaining the possession thereof, that your Excellency & Honours will then Judge the Complaint ought to be Dismissed as groundless & Litigious & your Respond^{ts} have their Reasonable Costs allowed them as afores^d

All which is humbly Offered in the name and on the Behalf of the Proprietors by

Isaac Ilsley
Sam^l Moody
Phinehas Jones

Petition

To His Excellency Jonathan Belcher Esq^r Captain General and Governour in Chief The Hon^{ble} the Council and Hon^{ble} House of Representatives of his Majestys Province of the Massachusetts Bay in New England in General Court Assembled May 28, 1740~

The Petition of the Proprietors of the Neck of Land in Casco Bay in the County of York Called by the Name of Mereconege Neck — Humbly Sheweth

That Whereas the said Neck of Land, is one half part of it, within the line of the Township of North Yarmouth and having paid Rates and Taxes to said Township, both to Church & State, Altho the Inhabitants there, live above Thirty Miles Distant by Land, from the Meeting House and Twelve Miles by Sea a Cross Two very Dangerous Bays, (Especially in the Winter time) being Also Many times Impasable in Canoes, with their Familys, Thereby Depriving them of the Publick Worship of God, for a great part of their time, which is a very Great Discouragement to the Setlers, And Whereas this Hon^{ble} Court have been pleased, Two Years Since, to Invest the Township of Brunswick, with all Priviledges as the other Towns in this Province Enjoy, And that Brunswick Meeting House is but Three Miles Distant, from the upper end of said Neck Adjoyning to Brunswick Town, & no Water to pass over, which Makes it Easy to Repair thereto, Without the Danger and Difficulty of y^e Winter, & Tempests by Water, And the very Great length of Way by Land — May it please your Excelency & Honours We Humbly pray, that you Would be pleased for the prevention of the afores^d Inconveniency, To Sett off the Familys, that may Inhabit said Neck of Land, from the Town of North Yarmouth, And Annex them to the Town of Brunswick, Especially Since but a part of said Neck of Land is Couched within the line of Northyarmouth Towns Ship, — And as in Duty bound your Petitioners shall ever pray

Adam Winthrop Joseph: Wadsworth Henry Gibbs Belcher
Noyes Job Lewis for our selves & partners

We the Inhabitants of the said Neck of Land — Most Humbly pray, That your Excelency & Honours would be pleased to Grant the prayer of the above named proprietors,

of s^d Neck of Land, that we may be releved under our very
Great heard ships, And as in Duty bound shall ever pray —

| | | |
|---------------------------|-----------------------------|---------------------------|
| James Brewer | Richard Jaques | John Mathews |
| John Stover | William Magray | Elisha Allen |
| Edward Quingham | Isaac Hall | William Gibson |
| Samuell Standwood | Moses Gacell | David Standwood |
| Joshua Cromeck | John Stevens | Sam ^l Winchell |
| John Ross Jn ^r | John ^{his} A Orr | Seth Toothaker |
| William Macknees | Job ^{mark} Moulton | Thomas Mc |
| Abiel Sprague | John Smart | Wait Webber |
| John Lindsey | Ebneazer Toothaker | Benj ⁿ Denslow |

In the House of Repr^{ves} June 3 — 1740

Read and Ordered that the Pet^{rs} Serve the Town of North
Yarmouth with a Copy of this Petⁿ that they Show cause if
any they have on Tuesday the 24th Instant if the Court be
then Sitting if not on the first thirsdlay of the next Sitting of
this Court Why the Prayer thereof should not be Granted.

Sent up for Concurrence

J. Quincy Sp^{kr}

In Council June 4: 1740

Read & Concur'd

Simon Frost Dep^t Sec^{ry}

Consented to

J. Belcher

In Council June 27, 1740

Read again and it appearing that the Town of North Yar-
mouth has been duly Served with a Copy of the Petition but
no Answer given in; Ordered that the Prayer of the Peti-
tion be granted, And that that part of the Neck of Land
withlin mentioned which heretofore belonged to the Town of
North Yarm^o together with the Inhabitants thereon, be and
hereby are Set off from the Said Town of North Yarmouth,

and annexed to & accounted a part of the Town of Brunswick, there to do Duty & receive Priviledge accordingly

Sent down for Concurrence

Simon Frost Dep^t Sec^{ry}

In the House of Rep^{res} June 28. 1740

Read and concur'd

J Quincy Sp^{kr}

Consented to

J Belcher

In Council August 1, 1741. Read again together with the Answer of Ammi Ruhamah Cutter Agent for the Town of N^o Yarmouth, & the Matter being fully considered, Voted that the Order of this Court within pass'd the 27th of June **A** last, be & hereby is superseded & set aside, and that such of y^e Inhabitants of the Neck of Land within mentioned, **B** as are consenting thereto, & shall give in their Names to the Town Clerk of Brunswick, for that Purpose, be & hereby are set off to the Town of Brunswick so far as relates to the Ministry 'till the further Order of this Court, to do duty & receive Priviledge accordingly,

Sent down for Concurrence

J Willard Se^{cr}y

In the House of Rep^{sves} Aug^t 5, 1741 Read and concurd with the Amendm^{ts} viz At **A**—dele last and insert 1740, At **B**—insert with their Estates.

Sent up for concurrence

J Hobson Sp^{kr}

In Council, Aug. 5, 1741 Read & Concurred

J Willard Se^{cr}y

Consented to

J Belcher

Petition of Mr. John Dennis

To his Excellency Jon^a Belcher Esq Govern. in chief the hon^r Council & Representatives of his majestys province of the Massachusets Bay in General Court assembled May 28^o 1740

The humble petition of John Dennis late Chaplain at S^t Georges Fort Sheweth

That your Excellency & Honors were pleas'd in answer to his petition offer'd to this hon^r Court the last Year to make him a grant of Fifty pounds for which he returns his most hearty thanks And did also further grant & allow the sum of Thirty pounds to provide Furniture & necessary Utensils for the Chaplains room at said Fort but there being no money in the publick Treasury said Furniture & necessaries were never provided & your Petitioner was necessitated to procure the same himself which as he is now oblig'd to quit the Service proves much to his damage.

That your Petitioner during his abode & being in the Service at S^t Georges has contracted a very hazardous distemper which incapacitates him from being further serviceable there & obliges him to be at great Expence on physicians & having a considerable Family & being reduc'd to very low Circumstances humbly apprehends himself to deserve the Compassion of this hon^r Court And prays you Excellency & Hon. to take his said Case into y^o wise consideration & to make him a grant of a small Tract or Parcell of y^e unappropriated Lands of the Prov. or to grant him such other relief as to y^o Wisdom shall seem meet And y^o Petition^r shall ever pray

John Dennis

In the House of Repr^{es} June 21st 1740 ~
Read and Ordered that the Sum of fifty pounds Equivalent to Bills of the Old Tenor be paid out of the Publick Treasury to the Petitioner John Dennis,)

A Dele { and also a Grant of two Hundred Acres of the Unappropriated Lands of this Province adjoining to Some former Grant is hereby Granted B to the said Petitioner His Heirs And Assigns He to return a Plat thereof to this Court within twelve Months for Confirmation.

Sent up for concurrence,

J Quincy Sp^{kr}

In Council June 28, 1740; Read & Concur'd with the
amendm^t viz, Dele **A.** Sent down for Concurrence

J Willard Sēcry

In the House of Repr^{es} June 30, 1740.

Read and Non concur'd and the House adhere to their own
Vote with the Amendment at **B.** viz. within the County of
York. Sent up for concurrence. J Quincy Sp^{kr}

In Council July 2^d 1740. Read & Concur'd

Simon Frost Dep. Sec^{ry}

Consented to,

J Belcher

*Petition of M^r W^m McClenachan in behalf of the
Presbyterian.*

To his Excellency Jonathan Belcher Esq^r Captⁿ Generall
and Goven^r in Chiefe in and Over his Majesties Province
of the Massachusetts bay in New England The Honble
his Majesties Councill and house of Representatives for
said Province in Generall Court Assembled the 28th day
of May Anno Domini 1740

The humble Petition of William McLenechan Clerk in
belhalfe of himselfe & his hearers of the Denomⁿ of Presby-
terians in the Town of Falmouth in the County of York ~
Sheweth That your Pet^r being regularly initiated into the
Ministry of the Gospile According to the Kirk of Scotland
and haveing been Installed to preach to a Number of People
of the denomⁿ of Presbiterians in s^d Town of Falmouth,
Who have hitherto Endeav^d to Support your Pet^r in his said
Ministry and who notwithstanding are obliged to pay Taxes
towards the Support & Maintenance of the Congregationall
Ministers of s^d Town which your Pet^r & his hearers of the
denomⁿ of Presbyterians apprehend to be a great hardship in
their present infant Settlements —

Your Pet^r further shews that by the Royall Charter granted to this Province Toleration is granted to all denom^{ns} of Christians Except Papists And this Honble Court pursuant thereto has made sev^{ll} Acts for the relief of Sev^{ll} denom^s of Christians to Ease them from paying towards the Support of any other clergy but Their own to Which your pet^r humbly Apprehends his hearers of the Denom^{ns} of Presbyterians are Equally Intitled —

May it therefore please your Excellency & Honors to take the Case into your Consideration & to make such Law for the Ease and reliefe of those of the Denomⁿ of Presbyterians inhabitting s^d Town as has been heretofore done for the reliefe of other denom^s of Christians or to appoint a day at the Next Meeting of this Great & Generall Court for your Pet^r & his heirs of the Denomⁿ afores^d to be heard upon the Merriitts of their Case ~

And y^r Pet^{rs} in duty bound will Ever pray

William M Clenachan

Constable's Return

York ss.

Brunswick June 9th 1740.

This may certify His Excellency the Gov^r the Hon^{ble} Council & the Hon^{ble} House of Representatives of the Province of the Massachusetts Bay in New England That I the Subscriber on the ninth day of this Instant June did serve John Powell Esq^r & others the Select Men of the Town of North Yarmouth with a Coppy of the Petition of Adam Winthrop Esq^r & Others the Proprietors of Merryconeg Neck within the County of York & delivered them the Coppy of said Petition with the Order of Court thereon

which was at their Town Meeting and the Moderator read it to the Town while I was present

Attest

| | | |
|----------------|---|---|
| John Mcfarland | { | Constable of the Town of Brunswick. |
|----------------|---|---|

Committee Chosen

At a Town Meeting of the Freeholders And other Inhab-
itance of the Town of North Yarmouth Convened Held at
the Meeting House In s^d Town on Monday the 23 of June
1740 —

Voted That there be a Committy of three men Chosen to
answer the Petition of Adam Winthrop and others Relating _
Merricaneage Neck: Voted that Mes^{rs} Ammi Ruhamah
Cutter Barnabas Seabury & John Orr be the Committy to
answer the foregoing Petition — And if the s^d Petition
shall be Granted in Favour of the s^d Petitioners before the
Committy Can Answer the same: Then the s^d Committy to
Petition the Great & General Court for a Rehereing of the
same And that any one of s^d Committy be Inpowered to
Answe_ & Prosecute the same when Present —

A True Coppey Examined p Barnabas Seabury

Town Clerk

May it Plese your Ex^{cy}

On y^e 6th Currant Edewakeuk & sund^r Indians Came to
aquaint me that he a Riv^d 4 Days Past to Panobcut from
Canadey. and also to quaint me y^e Reason of thire Going
to Canaday & Prosedings which was to Discours y^e Ercegon-
tog Indians Concerning y^e hatchet for y^e answer they had

sent them, y^e Ercegonkoges thought not sufficient, so they went Perconaly & after sum Discours, they said they were not so vneasy on account of y^e English settling thire Lands vp Caneti- River & Elsewhere as sum Indians that Liu^d nearer y^e English, & Cald them selves Ercegontogog Indians & Did not Realy belong to them, Ercegontogog and that they would now Leve y^e affare wholly to the Panobcuts to act for them & what they Did they would Concent to and a bide by for time to Com.

then they went to Pay thire Duty to y^e Gouvern^r of Canadey and tould him what they had Concluded on wth y^e Ercegonkoges, & he said he a Proue^d Very well thire not yet Ingaging in a war wth y^e English, but be on thire Guard, & they new how thire Land Lins Run and that they had no men of war yet from france but Expected Dayly, & they should have a new friar and they that fetcht him should not Return Emty handed, & y^e Indians ar now sending to Canadey for him, and as to y^e french & Indian forceses, y^e Indians all Returnd well and y^e french Excepting one sar^t kild & 1 man wounded, & sum of the Officers thought it to Long a Jorny to Com back by Land took a nearer way by shiping to france, and they have Don Gret Exploits a mong y^e southern Indians &c

I tould said Indians I took it kindly of them, thire Giueing me an account of all affares, & I was thankfull that we had an appartunity to Relate affares to each other & to Propose what may be for Peace & y^e Publick Good for y^e future, then they Proposed to write to your Excellency.

I tould y^e said Indians I beliu^d if 3 or 4 Princable Indians were appointed by y^e Rest to Go to boston & Pay thire Respects to Gouvern^r Belcher & y^e Gret Councill, & Relate all affares to them, it would be Plesing & Exceptable, & they would be welcom, for Gouvern^r Belcher had Rate to me if sum of his old frinds had a mind to Com he should be Plesd to see them, they said if I would Go with them they would

have a meeting in few days who should Go: I tould them I was Vnwell but Rether then such a weighty affare should be frustrated I would Go wth them if my health would any ways a Low of it,

May it Plesse your Ex^{cy} Pursuant to your Ex^{cys} order by Cap^{tn} Storer I have acted to y^e best of my skill for ser^{ce},

St Georges Aust 7th 1740

I am your Ex^{cys} most Dutyfull ser^t

John Gyles

I thought it might be of service to have y^e Parusul of y^e a boue notwithstanding they should have a Confurance wth your Ex^{cy} at boston.

Capt. Arthur Savage to Sec^y Josiah Willard

Fort Frederick August 15th 1740

S^r

Your favours of the 15th Ultimo I duly received, Note the Contents, & should be heartily glad could I make an Estimation of the Charge of putting our Garrison into a proper posture of defence but as I am entirely unacquainted wth Masonry I cannot do it. All I can do is to send you the length of the Walls which are one hundred & thirty two feet square besides the Bastions, which are not in the proper manner they should be, in case the Fort be rebuilt w^{ch} is very requisite to be done. The walls are five feet thick fronting the Sea, & three & a half to the Land, & should be at least Eleven or twelve feet high, so that it will be an easy matter for a Workman to compute the Charge of rebuilding. The Barracks will not nead a great Deal of repairs.

I am with all due regards S^r your most humble Servant

Arth^r Savage

To The Hon^{bl} Josiah Willard Esq^r Secratary for His Majestys Province of the Massachusets Bay In New England.

p Cap Sanders

Letter Capt. Giles to Gov. Belcher Aug. 16, 1740

May it Plese your Ex^{cy}

Since my other Lins of 7th Date, the Indians have had many meetings sum Drunken ons sum sobar and Desirous of seeing your Ex^{cy} haveing sumthing of moment to Relate, so Pursuant to your Ex^{cy}s Order I thought thire Visett might be for the Prouince service they haueing Concluded on four to Go.

on y^e 12th Currant I Rec^d your Ex^{cy}s Letter of July 29th.

on y^e 16th Currant a Princable Indian that went to Canadey a bout 25 Days Past a quaints me y^t he a Riud to Panobcut two Days since.

and at his a Riual to Canaday y^e Gouvern^r a Riud thire from Morial, and y^e same Day a man of war a Riu^d from france wth fiue hundred men on bord, & had a very seuer sickness on bord, that fuety s^d Dyed on thire Passeg & a Jesuitt, but no nues of moment the Gouvern^r bed him tel y^e Indians y^t it was all Peace yet wth y^e English, & a Letter to the Casteens of y^e same account, I am

S^t Georges fort

Your Ex^{cy}s most Dutyfal Ser^t

Aust 16th 1740

John Gyles

Copy of Town Record

At a Town Meeting of the Freeholders and other Inhab-
itance of the Town of North Yarmouth Convened held at the
Meeting House In s^d Town on Monday the twenty fifth of
May: 1741: —

Upon Hearing the Petition of Adam Winthrop and others
Stiling them Selves Proprietors, & the Memorial of Ebeneser
Hall & others Stiling them Selves Inhabitance of Small
Point preferred to the Great & General Court praying to be

Set off from the Town of North Yarmouth & Annexed to George Town & Considering the Distance of s^d point of Land from North Yarmouth Meeting House & the Difficulty of the pasage:

Voted That the Inhabitance of that part of the Neck of Land Called Small Point now lying within the s^d Town of North Yarmouth have the free consent of the Town to pursue their s^d Memorial & to be Set of from s^d North yarmouth & annexed to & accounted Part of the Town of George Town Provided the s^d Grant or Resolve shall not in any wise affect the property of y^e Lands there —

Voted Also That M^r Ammi Ruhamah Cutter be appointed & fully impowered to appear at the Great & General Court at their Next Sessions to make answer to the Petition of Adam Winthrop & others Relating to the Islands of Great Sebashadegen & Little Sebashadegen & also to pray the Governour and General Court for a Rehearing of a Late petition of Adam Winthrop & others And one other petition of Richard Jaques & others relating to Seting off that part of Merricaneage Neck from s^d North Yarmouth and annexing it to Brunswick And to pray for a Reconsideration of the Resolve of that Honorable Court there on

A True Coppey Examined

p Barnabas Seabury Town Clerk

“The Memorial of Small Point Inhabitants.”

To His Excelency y^e Govenour & the whole General Court of the Massachusetts Bay —

Humbly Sheweth

That We the Scubscribers being Inhabitants of a Place Called Small Point on the West Side of Sagadahoc River, & are Tennants to Adam Winthrop Esq^r & Comp^y and the

Grater part of the Land that we pos'ess is within North Yarmouth Line But at so great a Distance that we can't Receive any benefit at all from said Town, for that the s^d Point of Land that we Possess of s^d Winthrop & Comp^{ys} is 46 Miles Distant from North yarmouth Meeting House by Land & through George Town & Brunswick & there is no other way but through s^d Towns, which way is new and very bad, and to go by Sea, the nearest way is 20 miles to y^e meeting House and a Cross several very Dangerous Bays, and we can never attend y^e Publick Worship of God without great hasard of our Lives by Sea & Land And We do constantly attend y^e Publick Worship at George Town Upon Arrowsick Island. when the weather will admit of it, which is but about 5 Miles Distant from the places where we live & adjoyns to George Town where we Desier to do Duty (for the above reasons) We Humbly Pray your Excelency & Honours will pleas to annex the s^d Point of Land to George Town as it adjoyns thereto, where we can enjoy the Preaching of the Gospel, & have Releaf in time of Danger which we can not from North Yarmouth & as in Duty bound your Memorilist's

Shall ever Pray &c

| | | | | |
|-----------------|------------------|---------|---------------------|--------|
| Ebenezer Hull | } Small pint | David | ^{his} O | Thomas |
| Joseph Anderson | | | _{mark} | |
| John G | Samuel Wells | C | Day | |
| Thomas Day | Daniel Green | William | ^{his} W | Thomas |
| John Pearce | William Campbell | | _{mark} | |

Letter Capt. Tho^s Sanders to Gov. Belcher June 16, 1741.

Please your Excellency, Yesterday the Fifteenth of this Instant Coming into broad Sound the man of war boat Came on board and Took out Two of my men W^m Lithgo mate

and John Elder Seaman I shoed the master my Commission he told me that was nothing to him but if I would save my men I must go on board to Cap^t Scott which Likewise I did and Shew him my Commission and Told him that the Sloop was in the pay of the Province and the Sailors Likewise but he said he had no regard to Commissions but must have men and would and please your Excellency I should be glad if you would give me orders or Instructions so that I may have my men again and I shall Take it a great Favour done

Yo^r Excell^y very hum^l Serv^t to Command

Tho^s Sanders

P S On board the massachusetts June 16, 1741

Memorial

To his Excellency Jonathan Belcher Esq^r Captⁿ Generall Gove^rn^r in Chief, In and Over his Maj^s Province of the Massachusetts Bay in New England To y^e Hon^{bl} his Maj^s Council & the Hon^{bl} House of Represent^s in Generall Court Assembled July 8th 1741~

The Memorial of us the subscribers being Propriet^{rs} of Lands in North Yarm^o

Humbly Sheweth

That Whereas sundry Taxes have been Levied on— Propriet^{rs} of y^e Co^mmon & Undivided lands in North yarm^o Several of whom / as Delinquents / have been return'd to the Assessors who proceeded to the Sale of their Lands as the Law Directs —

But have neither rendred an Account to y^e Proprietors Treasurer nor paid the Overplus to the Delinquents but deliver'd s^d Money & papers into the Possession of M^r Ami Ruhama Cutter / as their Clerk / — S^d Cutter tho Often requested by the Proprietors Treasurer to Render an Account

Neglects & refuses so to do; By which Means the Propriet^{rs} have Been Obligated to Levy a Tax of £5: —, — p Right to support the Necessary Charges w^{ch} is now in Collection —

Wherefore Your memoriallists humbly pray that y^r Excell^y and Hon^{rs} will by an Act of Assembly Enable Propriet^{rs} Treasurers to Call to Acc^t Demand & Receive all Moneys belonging to them in as full & ample manner as Town Treasurers by Law have And y^r Pettition^{rs} shall Ever pray~

John Hill Job Lewis Row^d Houghton

Tho^s Hill John Dabney James Pitson

John Powell Jno Calef

In Council; July 11, 1741, Read & Ordered that the Prayer of the Memorial be so far granted as that John Read Esq^r with such as the Hon^{ble} House of Represent^{es} shall join be a Committee to prepare a Bill for the Relief of the Petitioners & others that are or may be in the like Circumstances

Sent down for Concurrence

In the House of Rep^{sves} July 14, 1741

Read and concur'd and Coll Dwight and M^r Williams are Joyned in the Affair

J Hobson Speaker

In Obedience to the within & above Order We have prepared the Bill desired & here-withal present it

Jn^o Read in behalf of y^e Com^{tee}

Petition.

To his Excellency Jonathan Belcher Esq^r Cap^t Gen^l & Gov^r in Chief in & over his Majesty's Province of the Massachusetts Bay in New England, To the Hon^l his Majesty's Council & the Hon^l House of Representatives, in Gen^l Court assembled, July, 8, 1741.

Humbly Shew

The Inhabitants of y^e Town of North Yarmouth, in the County of York.

That on y^e 28th of May 1740, The Hon^l Adam Winthrop Esq: & Others Stiling themselves Proprietors of the Neck of Land in Casco Bay in y^e County of York, called by the Name of Merricaneag Neck, & Richard Jaques & Others, Stileing themselves Inhabitants of the S^d Neck of Land, did pray this Hon^l Court “to sett off the Families that Might inhabit S^d Neck of Land, “from the Town of North Yarmouth & annex them to y^e Town of Brunswick” for Reasons therein mentioned; & on the Fourth of June following, This Hon^l Court order’d the S^d Petitioners, to serve y^e Town of North Yarmouth with a Copy of y^e s^d Petition, That They might shew Cause (if any they had) On Tuesday y^e 24th of June (then) instant, why the Prayer of s^d Petition should not be granted, & on y^e 9th of s^d June, Y^e Pet^r were servd with a Copy of s^d Petition & Order, & y^e Select men of North Yarmouth forthwith Issued their Order to call a Town Meeting on s^d Affair, & Y^e Pet^r immediately applyed Ourselves to prepare our Answer. But the Examination of y^e Several Facts alledged in the s^d Petition, Procuring of Evidences, Records & Planns, Relating thereto, & Measuring of Sundry Distances therein laid down, which were absolutely necessary to form our s^d Answer, Expended so great a Part of y^e Time set for Appearing in this Hon^l Court; & the Distance from North Yarmouth to Boston being not Less by Land than 130 Miles: That Y^e Pet^r fearing it was too late to Send, by Land, tho’t it safest to send, on Board a Sloop, as promesing the quickest Dispatch; But were so unfortunate That the s^d Answer did not arrive in Boston, till Four Days after this Hon^l Court, (doubtless presuming Y^{or} Pet^r were consenting, or had Nothing Material to alledge against y^e Prayer of y^e s^d Petition) had granted the Same & Order’d y^e s^d neck of Land shou’d be annex’d to y^e Town of Brunswick. Otherwise Y^e Pet^r

doubt not we shou'd have offer'd such Strong & weighty Considerations to this Hon^l Court, respecting the Proprietors in Gen^l as well as Y^o Pet in particular, as wou'd have given abundant Evidence to this Hon^l Court, That y^e Prayer of y^e s^d Petition ought not to have been granted. Y^o Pet^r there fore humbly pray Y^r Excellency & Hon^l wou'd be pleased to set aside, the Order of this Hon^l Court on y^e s^d Petition of Adam Winthrop & Others & Richard Jaques & Others, of y^e 28th of May 1740, & allow Y^o Pet^r a new Day to make answer thereto. And Y^o Pet^r (as in Duty bound) shall ever pray &c p

Ammi Ruhamah Cutter

In Behalf of y^e s^d Inhabit^s of North Yarmouth
To his Excellency the Gov^r & y^e Gen^l Court Assembled July.
8. 1741.

We the Subscribers approving y^e within Petition, & being Proprietors of Lands in s^d North Yarmouth, humbly beg Leave to joyn in y^e Prayer thereof

| | | |
|---------------------------|-----------------------|---------------------------|
| John Hill | Jos Calef | Row ^d Houghton |
| James Pitson | Middlecott Cooke | ATailor |
| Thomas Gill | Tho ^s Hill | John Dabney |
| Benj ⁿ Edwards | | |

In the House of Rep^{sves} July 21. 1741 Read and sent up.

In Council July 21 1741 Read and Ordered That the Petitioners Serve Adam Winthrop Joseph Wadsworth and Job Léwis Esq^{rs} M^r Henry Gibbs and Belcher Noyes with a Copy of this Petition, that they may Shew Cause if any they have on Friday the twenty fourth of July Inst^t why the Prayer thereof should not be granted — Sent down for Concurrence

J. Willard Seçry

In the House of Rep^{sves} July 22 1741

Read and Concur'd J. Hobson Speaker

23: Consented to J Belcher

In Council July 24. 1741

Ordered that Jeremiah Moulton & John Cushing Esq^{rs} with such as shall be joined by the Hon^{ble} House of Represent^{ves} be a Committee to consider the several Petitions now depending in this Court from the Proprietors of North Yarmouth & the Proprietors of Merriconeag Neck & of Sabasca-Degan Islands (as they style themselves) That the Committee hear the Parties & report to this Court their Opinion what may be proper for this Court to do upon the said Petitions

Sent down for Concurrence J. Willard Sec^{ry}

In the House of Rep^{sves} July 24. 1741

Read and concur'd and Col Gerrish Cap^t Choate and Cap^t Pierson are Joynd in the Affair.

J Hobson Speaker

Report

The Comittee to whome was Referrd the Petitions of the Prop^{es} of North Yarmouth & the Prop^{es} of Merriconeag Neck & of Sabasca Degan Islands (as they Style themselves) Having Mett & fully heard the Parties are of Opinion y^t the Prop^{rs} of North Yarmouth Realy Design'd to Make Answer to the Petition of Adam Winthrop Esq^r & others preferred to the Gen^l Court y^e 28th of May 1740 Praying y^e s^d neck might be Annext to Brunswick as Sett forth therein — And altho they had prepared their Answer, by Accident It miscarried & So y^e Hon^{bl} Court proceeded & annext s^d Neck with y^e Inhabitants to Brunswick. ~

Wherefore we Apprehend the Orders of Court Relating Thereto ought So far to be Superseaded as That y^e Town of North yarmouth be Admitted by their Agent Now to make

Answer to s^d Petition & be heard thereon, so y^t a full Consideration may be had by this Court And That y^e Consideration of the other Petitions afores^d which have a near Relation thereto be Suspended in ye mean time — The s^d Prop^{rs} agent first notifying Adam Winthrop Esq^r of this report & Order thereon

All which is Humbly Submitted

By Jer. Moulton by order

In Council July 31. 1741 Read & Ordered that this Report be accepted J. Willard Sec^{ry}

In the House of Rep^{sves} July 31. 1741

Read and concur'd J Hobson Speaker

Consented to J Belcher

Petition

To his Excellency William Shirley Esq^r Cap^t Gen^l & Gov^r
in Chief the honbl the Council & Representatives in
Gen^l Court Assembled 11 Augst 1741.

The petition of Shubal Gorham Esq^r for himself & rest of
y^e proprietors of the Narraganset Township N^o Seven joining
to Falmouth & Presumscot river in the County of York
Humbly Sheweth

That on the Fifth of July 1736. by an Order of the Gen^l
Court the s^d Shubal was impowered in some suitable place as
soon as might be to Convene the Grantees of the s^d Town-
ship for divers purposes & among the rest to agree upon
some regular method how to call proprietors meetings for the
future

That he then accordingly called the s^d meeting & did Sev-
eral things & adjourned to a future day when they should
have proceeded upon future business & particularly to agree
on y^e method for calling future meetings, but that adjournment

failed by the Clerks casual Absence & so they are disabled to call any meetings as their present occasions necessarily require.

Wherefore Y^{or} petitioner humbly prays he may be anew impowered to Convene the Grantees & proprietors afores^d to do what their present occasions require & agree on some proper method to call proprietors Meetings for the future, & your petitioner as in duty bound &c

Shuball Gorham

In Council Oct^r 7th 1741 Read and Ordered that the Prayer of the Petition be granted and that the Petitioner be and hereby is impowered to convene the Grantees and Proprietors within mentioned for the Purposes mentioned in the Petition —

Letter Benjⁿ Larrabee to Gov. Belcher

Fort George Sep^t 14th 1741

May it Please your Excellency

Yesterday I Recd your Excellencys Letter Directing me to Lay before you the Condition of Fort George and in Obedience to your Command I have as exactly as Possibly I can.

The Fort it self Wants but Little Repairs only Shutters to the Gun Ports & a Small matter Done to the Lodgings to make them tite and Comfortable But we have 4 Carriage Guns and 4 Swivels and the Carriages of them all are partly Rotten and out of Repair.

I would Humbly beg leave to inform your Excellency further that the greatest Difficulty We Should Labour Under in Case of a Sudden Rupture Would be the Want of Soldiers my number of Soldiers allowed this Fort is but Six and not only so the Wages of Soldiers is so small that good able men

will not enlist in His majestys Service I haveing no orders to Impress men am obliged to take men not fit for Service.

upon the Whole your Excellency Will See that We shall soon become an easy Prey to an enemy if they should attack us in our Present Circumstances this is the true State of the Garrison now Under the Command of your Excellencys Dutiful and most obedient Humble Servant

Benj^a Larrabee

Petition of Arthur Savage Feb. 23^d 1741.

Province of the Massachusetts Bay

To His Excellency William Shirley Esq. Captain General,
and Governour in Chief in & over said Province. —

Arthur Savage Commander of His Majestys Fort Frederick at Pemmaquid humbly Sheweth. -

That Frederick Fort is very well scituated to guard and defend the People who Inhabit this part of the Country, as well as the Fishermen and Coasters who resort hither in great numbers for Harbour. Pemmaquid having one esteemed very convenient and safe.

That there are but Six Men posted at said Fort under your Petitioner, who are well disposed to do the duty of the Garrison, but there being so few, are so frequently call'd upon to Watching, Warding, & performing the other Services, incumbant on them as Soldiers, (in a Place that requires there being some always on duty) that their said Service is very grievous & burthensom to them, especially in the Winter Season, which must be very discourageing, considering the poor low Wages, allowed to the Officer, and Soldiers at this Garrison.

Wherefore Your Petitioner humbly prays that Your Excellency in Justice & goodness to the poor Soldiers, as well as

in tender concern for the lives and Estates of His Majestys good Subjects resideing & resorting here, would be pleased to order a larger number of Men to be Posted in said Garrison, and also allow so much Wages as that the Officers & Soldiers may live, and Serve their King and Country in a comfortable as well as honest manner. And your Petitioner as in duty bound will ever pray &c —

Fort Frederick February 23^d 1741

Arth^r Savage

Answer of North Yarmouth

To His Excellency Jonathan Belcher Esq^r Cap^t Gen^l & Gov^r in Chief in & over his Majesty's Province of y^e Massachusetts Bay in New England To the Hon^l his Majesty's Council & y^e Hon^l House of Representatives in Gen^l Court Assembled July 24, 1741.

The Answer of y^e Inhabitants of North Yarmouth, To y^e Petition of Adam Winthrop Esq^r & others Stiling Themselves Proprietors of Sebescodegan Islands near Brunswick, of March y^e 26th 1741

Humbly Shews

That the s^d Adam Winthrop Esq^r & Others in their s^d Petition concerning Sebescodegan Islands alledge, That Part of Great Sebescodegan Island, is taken into y^e Town of North Yarmth but do not (as they ought) inform this Hon^l Court That the Remaining Part of s^d Island, about 3000 Acres is without the Bounds of any Township, & lies between the North East Line of North Yarmouth & the South Westerly Line of Brunswick, which Lines in that Part are near Two Miles asunder. Yet y^e whole of y^e s^d Island, as well as Little Sebesdegan, are cautiously & carefully contain'd in y^e Prayer of s^d Petition, & this Hon^l Court

pray'd to "añex them both to Brunswick," Alledging That They "lye contiguous to s^d Town." But Y^e Respond^s Humbly beg Leave to observe, That there is a large Salt River or Gutt, with a Good Ship Channel, running between Great Sebescondegan, & y^e Town of Brunswick, & that Little Sebescodegan lyes at Least Five Miles distant South West, from y^e South Westerly Bounds of s^d Brunswick, So that Y^e Respond^s are at a Loss to conceive what y^e Petitioners Mean by informing this Hon^l they are contiguous; unless it be to cause this Hon^l Court, as y^e s^d Pit^{rs} in their Petition of May 28, 1740, did,—introducing Richard Jaques & Comp^a [Twenty Three in Number] Stiling Themselves Inhabitants of Mericaneag Neck, & praying That y^e Prayer of y^e Petition of y^e s^d Adam Winthrop Esq: & others, of May 28. 1740. might be Granted, vis: That y^e Inhabitants, that might inhabit Maricaneag Neck might be annex'd to Brunswick.

Whereas at that Time there were only Nine of y^e s^d Twenty three Petitioners, Inhabitants of Merricaneag in North Yarmouth,—The Other Fourteen — being — Some Inhabitants of Brunswick — Some of y^e Province Lands, between North Yarmouth & Brunswick — & the Rest Residing on the Islands adjacent, or being Transient Men. — As also y^e s^d Peti^{rs} in their s^d Petition of May 18, 1740 inform'd this Hon^l Court That "One Half of y^e Neck of Land called Maricaneag, was within y^e Line of y^e Township of North Yarmouth but did not acquaint this Hon^l Court that y^e Remaining Part of s^d Neck, & Four Rods above the Narrows of it, called y^e Carrying Place, were without the Bounds of any Township. — & that y^e Bounds of North Yarmouth & Brunswick were in that Place, near Two Miles apart, having the Intermediate Part of s^d Neck, of y^t Length, between Them,— & also alledged — said Neck was Twelve miles distant from North Yarmouth Meeting House across Two

dangerous Bays: Whereas — Center of s^d Neck is not above Ten Miles & y^e nearest part not above Eight Miles distant by water from North Yarmth Meeting House, & only across a Part of Casco Bay, so guarded with Islands, That People commonly pass in Floats & small Canoes.—As to y^e s^d Petitioners & “Others their Partners, being Proprietors of Sebescodegan Islands” Y^e Respon^{ds} beg Leave to observe, — That y^e s^d Petit^s & their Partners, do by ^a Deed from Robin Hood & Others, claim not only, Sebescodegan Islands & Merriconeag Neck, but all y^e Lands from Small Point, on y^e Westerly Side of s^d Kennebeck River, up to Norridge-wook & from s^d Small Point along Casco Bay to Maquoit & thence Four Miles Westward of Androscoggin or Ammoroscoggin River above y^e Uppermost Fall thereof, being a Tract of Land equal to about 100 Miles long & 20 Miles Wide, their Title to which is so very slender & precarious (as y^e Respon^{ts} conceive) That it can by no Means be Supported, without y^e Aid of this Hon^l Court which y^e Pet^{rs} Themselves seem to be sensible of as appears by sundry Clauses in the Bill They bro’t into this Hon^l Court, 1737 or 1738, for Erecting Brunswick into a Town, which Clauses the Hon^l Court Saw fit to blot—before it pass’d into a Law — They Said Petitioners not being willing to run the Risq: of Giving Deeds of Warranty even to y^e settlers of Brunswick, which lyes quite clear of North Yarmouth: & altho y^e s^d Settlers in their Petition to this Hon^l Court in 1737 desired to be exempted from any Power from this Hon^l Court of Granting Lands there & acknowledged them to belong to y^e Proprietors that plac’d Them there, & thereby lay’d themselves under great Disadvantages in ever after attempting to acquire a better Title: yet are the Settlers fain to rest satisfyed with Quit claim Deeds, as y^e only Security for their Purchases from the Petitioners & their Partners, & all their costs in settling & improving s^d Lands:

As to y^e Present Inhabitants of Sebescodegan Islands, being about Three or Four Families, Y^o Respond^{ts} are willing to release Them from paying to y^e Ministry at North Yarmouth provided & as long as they shall attend y^e Publick Worship at Brunswick; but can't by any Means consent, That y^e s^d Islands be annexed to Brunswick. — For that — The s^d Sebescodegan — New Capeborowaggin — New Damaris Cove — Great Whale Boat Island — & Sundry Other large Islands, adjacent to Merricaneag Neck, Which Y^o Respond^{ts} doubt not this Hon^l Court will see fit to restore again to North Yarmouth; do contain about Ten or Twelve Thousand Acres of Land, being sufficient in Quantity, & finely Situated to make a Seperate Parish, as soon as y^e few Inhabitants, shall increase their Numbers & enlarge their Improvements so as to be able to Support the Charge of it. — But should this Hon^l Court be of Opinion That a Part or the Whole of Merricaneag Neck & Sebescodegan Islands, be annexed to Brunswick; The Rest of S^d Islands before mentioned lying so convenient to Merricaneag Neck will doubtless in a Few Years be added to it. Whereby much more of y^e Respondents Property which we have held Time out of Mind under the Province, will be transferred out of y^e Town, where we & our Predecessors have been above Sixty years Inhabitants & Proprietors, & our North East Line next to what is now Brunswick, was settled by this Hon^l Court A. D. 1731, & run out as far as the Sea in 1735. by a Co^mmittee of this Hon^l Court, whereof y^e Hon^l y^e Speaker of y^e Hon^l House of Representatives, was One. It being Three Years before Brunswick was invested with the Priviledges of a Town in that imperfect Manner in which They now Enjoy Them — They having divested Themselves from all Right to y^e Common Lands within their Town by their Petition before mentioned. not desiring or pretending to hold their Lands from or under the Province; But from

y^e s^d Adam Winthrop Esq' & Partners by Virtue of y^e s^d vast & exorbitant Claim, which if once Countenanced or aided, by this Hon^l Court will take away such a large & valuable Tract of y^e Lands of this Province, enough to make Twenty or Thirty large Towns. That it will exceedingly hurt y^e Interest of y^e Province in Gen^l as well as y^o Respond^s in particular, Either by keeping the s^d Lands (near adjacent to y^e Respond^s) unsettled, & thereby leaving it to be as we were till y^o year 1738, y^e Remotest Frontier Town in that Part of y^e Province, or Else by introducing Inhabitants into that Frontier, who will hold their Lands independent of y^e Province's Title & whose Interest it will be to undermine, undervalue &, if possible, invalidate, The Province's Title, to that whole Tract of Land, formerly called y^e Province of Main, & to disturb &, if possible, Eject Y^o Respon^s from their ancient Rights & Possessions under the Province: Whereby that Ancient & Remote Frontier Town [North Yarmouth] that has been so often broke up, & great Numbers of its Inhabitants, the Predecessors of y^o Respondents, slain on y^e Spot & their Blood spilt upon y^e Land, in defending their just Possessions, that ancient Town, will loose a large & handsome Parish, to have it become a Parish in the Town of Brunswick, that is but Three years old; And y^o Respon^{ds} many of us the Heirs & descendants from those first Settlers, who dyed in Defence of y^e Provinces Right there, shall be obliged to quit our Rights to Foreigners that have lately entered Them in Defiance of y^e Provinces Title, which y^e Respond^s are anxiously solicitous to maintain & support, & therefore doubt not y^e Just & seasonable Aid of y^o Excellency & Hon^l & pray y^t y^e s^d Petitions of Adam Winthrop Esq. & Others may be dismiss'd & the Lines of Ancient North Yarmouth, remain as formerly Settled, by this Hon^l Court, & y^o Pet^{rs} as in Duty bound shall ever pray &c p Ammi Ruhamah Cutter In Behalf of y^e Respond^{ts}

Mem^o: Ammi Ruhamah Cutter by Leave of y^e Hon
 Co^mmittee on North Yarmouth Affairs Amends y^e Passage
 foregoing [* a Deed from Robin Hood & Others] to be read
 thus [a Deed from Werumkee & others] & y^e words before
 [a Good Ship Channel] to be altered thus [a good Channel]
 A R Cutter

Letter Arthur Savage to Gov. W^m Shirley March 8, 1741.

May it please Your Excellency

Since my arrival here, the Solders posted in Garrison have
 desired me to supplicate Your Excellency, that their Wages
 might be advanced that there might be a larger Number of
 Men allowed to this Fort, And I now embrace this Opportu-
 nity p Cap^t Sanders to Inclose Your Excellency a Petition
 for that purpose & must humbly beg leave to observe to
 Your Excellency the Impossibility of my being able to Sub-
 sist upon the poor Wages the Government is pleased to allow
 me at present, & Your Excellency must be Sensible there
 can be but little perquisites, where there is but Six Men, &
 do assure Your Excellency I do spend more in a Year than I
 can possibly get in a Just manner; All which thought proper
 humbly to lay before your Excellency, begging Your Excel-
 lency's thoughts concerning us. And as I should be proud
 of Serving my King & Country under so good a Captain
 General as Your Excellency, I would promise my self great
 hopes of the Prayer thereof being granted. There is nothing
 material happen'd to advise Your Excellency of, So that con-
 clude; begging Your Excellency's leave for coming to Boston
 wth Cap^t Sanders next Trip, & with wishing Your Excellency
 health & happiness. I am & always shall remain

Your Excellency's Most Obedient Servant
 Fort Frederick March 8th, 1741

Arth^r Savage

Petition.

To His Excellency Jonathan Belcher Esq^r Governour & Commander in Cheif in and over His Majesty's Province of the Massachusetts Bay in New England The Hon^{ble} His Majesty's Councill and the Honourable the House of Representatives in General Court assembled this 26th of March Anno Domini 1741 —

The Petition of the Proprietors of a Point of Land adjoining to George Town in the County of York called by the Name of Small Point, lying on the Westerly Side of Sagadahoc River —

Humbly Sheweth.

That by reason of the South Easterly line of North Yarmouth Township running out from the Main many Leagues into the Sea, some part of said small point is couched within the Bounds of said Township by means whereof the Inhabitants settled there tho' dwelling distant from North Yarmouth Meeting house above Twenty Miles by Sea & passage very Dangerous unless in large Vessells, & above Forty five Miles by Land, Yet have been obliged to pay Rates & Taxes to said Town both to Church & State altho' by their remoteness they can receive no Benefitt from them either in case of a War, or Otherwise, on which Accounts they labour under great Difficultys & Discouragements for remedy whereof, they have humbly applyed to this Honourable Court as p their Memorial herewith Presented will appear, and we humbly Join with them, in entreating that inasmuch as they border upon George Town, being parted only by a Supposed Line, and are but about Five Miles distant from the Meeting house, in said Town, where they can with convenience attend (except in bad Weather) that Your Excellency & Honours will be Pleased to compassionate them under their Present Difficultys and to Sett the Land off from North Yarmouth And annex it to George Town,

And your Petitioners as in Duty bound shall ever pray &ea

Adam Winthrop Joseph Wadsworth Job Lewis

Belcher Noyes Isaac Royall Henry Gibbs

John Watts Lydia Watts

In the House of Rep^{ves} April 1. 1741

Read and Ordered that the Pet^{es} serve the **A Town** of North Yarmouth with a Copy of this Petⁿ that they shew cause if any they have on the first fryday of the Next Session why the Prayer thereof should not be granted

Sent up for concurrence

A Propriet^{rs}

J Quincy Sp^{kr}

In Council, April 3, 1741; Read & Concur'd with the Amendm^t at **A**. Sent down for Concurrence

J Willard Sec^{ry}

In the House of Rep^{sves} April 3, 1741 Read and concur'd

J. Quincy Sp^{kr}

6: Consented to **J Belcher**

In Council July 21. 1741. Read again & upon a motion made by the Memorial of Adam Winthrop Esq^r & others to this Court Ordered that this Petⁿ be revived, & that the Proprietors of North Yarmouth give in their Answer thereto on Fryday the twenty fourth Instant, the Pet^{rs} forthwith serving them with a Copy of this Order—Sent down for Concurrence

J Willard Sec^{ry}

In the House of Rep^{sves} July 22 1741 Read and concur'd

J Hobson Speaker

23: Consented to **J Belcher**

In Council August 1st 1741. Read again together with the Answer of Ammi Ruh: Cutter, Agent for N^o Yarmouth, and the Matter being fully considered Ordered that the Prayer of the Petition be so far granted, & that such of the Inhabitants of the said Point of Land as are consenting thereto, & shall give in their Names to the Town Clerk of George Town, for that Purpose, be & hereby are set off from

the said Town of North Yarmouth & annexed to the Town of George Town so far as relates to the Ministry, till the further Order of this Court to do duty & receive Priviledge accordingly — Sent down for Concurrence.

J Willard Sẽcry

In the House of Rep^{sves} Aug^t 5 1721 Read and nonconcur'd and Ordered that the Prayer of the Petⁿ be granted, and that the Pet^{rs} the Inhabitants there with their lands and Estates be and hereby are sett off from the Town of North Yarmouth and Annexed to the Town of George Town there to do duty and receive Priviledge accordingly.

Sent up for concurrence

J Hobson Sp^{kr}

In Council Aug. 5 1741 Read & Concur'd

J Willard Sẽcry

Consented to

J Belcher

To His Excellency Jonathan Belcher Esq^r His Majesty's Governour and Commander in Cheif in and over His Majesty's Province of the Massachusetts Bay in New England To the Honourable His Majesty's Councill and the Honourable the House of Representatives in General Court assembled this 26th day of March Anno Domini 1741

The Petition of Adam Winthrop, Joseph Wadsworth, Job Lewis, Belcher Noyes & others their Partners Proprietors of Sebasco degin Islands lying near to the Town of Brunswick in the County of York
Humbly Sheweth

That by North Yarmouth line running far distant from the Main into the Sea little Sebasco degin Island and part of Great Sebasco degin Island have been taken into that Township and the Lands have been rated towards paying the Charges of said Town tho' they lye far remote at the distance

of Twelve Miles by Water and much more by land which
 *putts them out of a capacity of receiving Benefitt from them
 on any Account, whereas some part of the said Islands lye
 within a few Rods of Brunswick Land and within five Miles
 of the Meeting house where the Setlers may with convenience
 Attend the Publick Worship but the Land Passage to North
 Yarmouth Meeting house is Brunswick Meeting house &
 Twelve Miles beyond Wherefore we entreat Your Excel-
 lency & Honours to take the above mentioned Circumstances
 into your Wise & Just Consideration and be pleased to sett
 off from North Yarmouth the little Island & that part of the
 Great Island which falls within their Line & annex both the
 said Islands to the Town of Brunswick to which they lye so
 Contiguous And your Petitioners as in Duty bound shall ever
 pray &ca

| | | |
|---------------|------------------|-------------|
| Adam Winthrop | Joseph Wadsworth | Job Lewis |
| Belcher Noyes | Isaac Royall | Henry Gibbs |
| John Watts | Lydia Watts | |

In the House of Rep^{sves} April. 1. 1741.

Read and Ordered that the Pet^{rs} serve the Town of North
 Yarmouth with a Copy of this Petⁿ that they shew cause if
 any they have on the first fryday of the next May Session
 why the Prayer thereof should not be granted

Sent up for concurrence J Quincy Sp^{kr}

A Proprietors

In Council April 3. 1741: Read & Concur'd with Amendm^t
 at **A** Sent down for Concurrence J Willard Seçry

In the House of Rep^{sves} April 3. 1741

Read and concur'd J Quincy Sp^{kr}

6: Consented to J Belcher

In Council July 21 1741 Read again and upon a Motion
 made by the Memorial of Adam Winthrop Esq^r &c to this
 Court Ordered that this Petition be revived; And that the
 Proprietors give in their Answer thereto on Friday the

twenty fourth Instant; The Petitioners forthwith serving them with a Copy of this Order.

Sent down for Concurrence J Willard Sečry

In the House of Rep^{ves} July 22. 1741

Read and concur'd J Hobson Speaker

23: Consented to, J Belcher

In Council August. 1. 1741. Read again together with the Answer of Am: Ruh: Cutter Agent for the Town of N^o Yarmouth, & the Matter being fully considered Ordered that the Prayer of the Petⁿ be so far granted as that such of the Inhabitants of the little Island, within mentioned which falls within the bounds of North Yarmouth as are consenting thereto, & shall give in their Names to the Town Clerk of Brunswick, for that purpose, be & hereby are set off from the said Town of North Yarmouth & annexed to the Town of Brunswick, so far as relates to the Ministry, till the further Order of this Court, to do duty & receive priviledge accordingly.

Sent down for Concurrence J Willard Sečry

In the House of Rep^{ves} Aug^t 5 1741 Read and Non concur'd and Ordered that the Petⁿ be dismiss'd

Sent up for concurrence J Hobson Sp^{kr}

In Council; Aug. 5, 1741; Read & Concur'd

J Willard Sečry

Consented to

Petition. "April 3. 1742 Refer'd to May Session."

Province of the Massachusetts Bay

To His Excellency William Shirley Esq^r Captain General and Governour in Chief in and over the said Province To the Honourable the Council and House of Representatives in General Court assembled, March, 17. 1741.

The Petition of James Gillmore Richard Copley, Richard Falley, William Scott, Thomas Martin, William Pearson, Henry Handy, Richard Lamb, Thomas Procter Thomas Howard Robert Young Benjamin Burton Charles Procter John Burton John Gorman John Newburn Thomas White Edward Lamb Samuel Lamb William Everson William Lamb William Howard John Hopkens John Mouren Peter Bernet William Burns John McKewn Robert McKewn John Gwin David Rood William Hickey Samuel Clark Hugh Boyd James Barns James Little Archibald Little Henry Lean John Lean James Morton James Norton John Vass Jeremiah Vass John Vass Jun^r Dinith Kenny William Carter James Yets Inhabitants of a Certain Tract of Land lying on St Georges River in the County of York in the Eastern parts of the Province aforesaid ~

Humbly Sheweth,

That your Petitioners and their Families for many years past, have Dwelt on the aforesaid Tract of Land Containing about seven Mile and an half Square by Grants from M^r Samuel Waldo of Boston Merchant who was then Sole Owner and Proprietor thereof and have had a Minister of the Gospel Constantly Preaching among them for some Years And Whereas the Number of Inhabitants on said Tract is daily increasing, and having never been set off by the Government as a distinct and Separate Township, and Consequently not vested with the Rights & Priviledges of other Towns in the Province, Your Petitioners often find for want thereof great Difficulties & Inconveniences Attending their Affairs Especially those of a Publick Nature, And as your Petitioners are much greater in Number than many other Towns that heretofore upon Application made, have been set off into distinct Townships

Your Petitioners therefore humbly Pray Your Excellency and Honours will be pleased to Allow them (by their

Attorney the said Mr Samuel Waldo Specially Appointed and Ipowered by Your Petitioners to Act for them in this Affair) to bring in a Bill for Erecting the said Tract of Land into a distinct and separate Township that so Your Petitioners may enjoy the same Powers Priviledges and Immunities as other Towns in the Province,

And your Petitioners as in Duty bound shall ever
pray &c. ~ S^a Waldo ~

Ator^y for the Petitioners

In the House of Rep^{ves} March 29. 1742

Read and Ordered that Cap^t Leonard M^r Prout and M^r Pierson with Such as the Hon^{ble} Board shall Joyn be a Comm^{ee} to consider this Petition and report what they Judge proper for this Court to do thereon

Sent up for concurrence

J Hobson Sp^{kr}

In Council March 29, 1742. Read & Concur'd & Fra^s Foxcroft, Jacob Wendell & John Read Esq^{rs} are joined in the Affair

J Willard Se^cry

The Comm^{ee} appointed to consider of the foregoing Petition have attended that Service; and are of Opinion That the Prayer thereof be granted; and that the Petitioners have Leave to bring in a bill accordingly, agreeable to the form of one herewith presented

p Ord^r of the Com^{ee}

Boston April 2 1742

Fra: Foxcroft

In Council April 2^a 1742

Read and Ordered that this Report be accepted and that the Petitioner be and hereby is allowed to bring in a bill accordingly

J. Willard Se^cry

To His Excellency William Shirley Esq^r Captain General & Governour in chief in & over His Majesty's Province of

the Massachusetts Bay in New England, & House of Representatives in General Court assembled & holden by Adjournment this Twentyeth Day of April A. D. 1742 —

The Petition of Shubal Gorham one of the Proprietors of the Narraganset Township Number 7. — humbly sheweth —

In behalf of himself & the other Proprietors of s^d Township, That pursuant to an Order of this Hon^{ble} Court in October 1741,— He issued a Warrant for calling a Meeting of s^d Proprietors, who accordingly convened at the time assign'd in November last, made choice of M^r Moses Pearson for the Moderator of said Meeting, transacted sundry Matters, And then adjourned for further Business to Tuesday next being the 27th of April currant ~

But it so happening, that the Moderator of said Meeting ~ having been obliged as a Member of the Hon^{ble} House of Representatives ~ to attend his Duty in this Court — so long as that there is not now Time sufficient left (might he obtain Liberty therefor) for him to Travel to Falmouth by the Time of s^d adjournment; So that s^d Meeting will be discontinued to the great Prejudice of s^d Proprietors (no one being authorized as yet—to call any other meeting;) unless this Honourable Court shall be pleas'd to interpose for their Relief in the Premises ~

Wherefore your Petitioner humbly prays that your Excellency & Honours would be pleas'd to Order s^d Meeting to stand adjourn'd to such further Time as to You in your Wisdom shall seem meet

And, your Petitioner, as in Duty bound, shall pray &c
Shuball Gorham

In Council — April 23^d 1742. Read — and Ordered — that the Prayer of this Petition be granted and that the Meeting of the Proprietors of the Township within mentioned — which was to be held (by Adjournment) on Tuesday next, be continued to Wednesday the nineteenth Day of

May next at ten of the clock beforenoon — then to be held at the Dwelling House of M^r Moses Pearson at Falmouth ; — The Petitioner causing the s^d Proprietors to be notified of this Order — by Publishing the same in the next Publick Prints, & by Posting a Notification hereof in some Publick Place in Falmouth — fourteen Days before the Day hereby assign'd for holding s^d meeting

Sent down for Concurrence Fra : Foxcroft p Order

In the House of Rep^{res} April 23, 1742

Read and Concur'd

J Hobson Sp^{kr}

Consented to

W Shirley

At a Legal Town Meeting held at Berwick May y^e 20th 1742 Voted that there shall be a Meeting house built above the River to accommodate the People in General. / Voted that the Meeting house shall be built betwixt Humphry Chadbourns house and Roger Plaisteds house. / Voted Roger Plaisted Deacon Libby and William Keey Shall be a Committee to appoint a place and to agree for the Land for to Set the Meeting house upon at the Towns charge if need be. / voted the charge of building the meeting house Shall be paid in boards Shingle Clapboard and Staves at a convenient Landing place.

Voted one thousand pounds Shall be Raised to defray the charge of building the Meeting house. Voted the above Sum is meant old Tenor.

Berwick may y^e 20th 1742 Wee the Subscribers do enter our Decent against the building a Meeting house in s^d Town : Unless S^d house is Set where it will accommodate the upper when we Shall devide, and if that vote can be obtain^d we are ready and willing to Joyn our proportion, for we apprehend that If S^d house is Set to accomodate the whole

Town as they Say. In our opinion it will in a few years be the means to make three parishes when two is Sufficient and therefore pray that a minute be made by the Clerk of this offer: Elisha Plaisted John Hill Richard Lord Samuel Lord Joseph Hodsden William More Thomas Goodwin Elisha Hill John Frost John Thomson John Lord John Hooper jun. Abraham Lord Samuel Nason Benjamin Nason Daniel Wadlin Philip Hubberd Samuel Lord jun John Hooper Richard Shackley jun Jonathan Abbot Aaron Abbot Ichabod Goodwin William Hight Samuel Abbot Timothy Davis Uriah Page

The above persons appear^d in the Town meeting held at the meeting house this day and enters their Desents against all the votes Relating to the building a meeting house in Said Town Attest Hump Chadburn Town Clerk

A true Coppy of Record Attest Hump. Chadburn Town Clerk

Petition.

To His Excellency William Shirley Esq; Capt: Gen^l & Governour in Chief in & Over his Majesty's Province of the Massachusetts Bay in New England, To the Hon^l his Majesty's Council & the Hon^l House of Representatives in Gen^l Court Assembled. May 26, 1742.

The Petition of Us the Subscribers, being Settlers of the Narrhagansett Grant Number One
Humbly Shews

That Whereas the Township Number One of the Narrhagansett Grants, Lying on the Back Scarborough & Biddeford & on the North East Side of Saco River, was granted to some of your Petitioners, & those whom y^e Rest of Us represent, together with a Number of Others, who were all equally

with Us obliged to fulfill certain Terms & Conditions of Settlement within the Term of seven Years from the Date of s^d Grant; As by a Copy thereof, hereto annexed may appear; Which Sd Term of Years is long since expired. Yet none of sd Grantees have fulfilled y^e sd Conditions of the sd Grant, except such of y^o Pet^{rs} only as were Grantees, & those whom the Rest of Us Represent— Who have by Reason of the Negligence, & Default of the sd Delinquent Grantees been put to very extraordinary Costs & Charges in Carrying on Our Settlements thus far,— have been obliged to live without any Settled Publick Worshop of God among Us — School for our Children — Publick Buildings or Necessary Fortifications: Whereby Our own Lives & the Lives of our Families with our Substance have been in continual Jeopardy, in this exposed Frontier, & our Children under the Disadvantage of a Wilderness Education: Which y^o Pet: shou'd in no wise have Submitted to, had we not expected, that the Rest of the admitted Settlers wou'd have been obliged to fulfil the Sd Terms of their sd Grants; Yet after our repeated Invitations & Intreaties, Y^o Pet have not had the Happiness of seeing any of our sd Partners making any Improvements on, or attempt to comply with y^e Terms of their s^d Grants; And they living mostly at a Distance, & having so long refused.— Y^o Pet have no Reason to think They will by any Means be compell'd to it — And unless there be Other Settlers admitted in their Room, We shall be obliged to leave Our Habitations very soon, & yield up our Improvements to the wild Beasts or Salvage Natives. ~ Y^o Pet^{rs} therefore humbly pray Y^o Excellency & Honours wou-d take the Case of Y^o Distressed Petit^r under Y^o Wise & Impartial Consideration, & Order the Lots of the sd Delinquent Settlers to be declared forfeited — And that Others may be admitted in their Stead — who may be compelled to Settle in as Short a Time as possible. Or Otherwise grant Us Such Relief as to Your Great

Wisdom & Goodness shall seem meet — & Y^o Pet. (as in Duty bound) shall ever pray &c

| | | |
|-----------------------------|-----------------|------------------------|
| Robert Brooks | Magnes Redlen | M [obliterated] |
| John Davis Jun ^r | Nathanael Durel | John Brooks |
| Ichabod Auston | Nathan Whitney | James Jun ^r |
| Joseph Woodman | Samuel Ingalls | Samuel Chase |

In the House of Rep^{ves} June 12 1742

Read and Ordered that the Pet^{rs} serve the Clerk of the Prop^{rs} or Grantees with a Copy of this Petⁿ that they shew cause if any they have on the second tuesday of the next fall Session why the respective Rights of the delinquent Grantees should not be declared Void

Sent up for concurrence

T. Cushing Spkr

In Council June 14, 1742

Read & Concur'd

J Willard Sc̃ry

Consented to

W Shirley

In Council, Dec. 16, 1742 Whereas this Court is informed that there is a Meeting appointed of y^e Grantees or Propriet^{rs} of the new Township mentioned in this Petition in order to their proceeding effectually to fulfill the Conditions of the Grant,

Ordered that this Petition be refer'd to the second Tuesday of the next May Session for further Consideration

Sent down for Concurrence

J Willard Sc̃ry

In the House of Rep^{ves} Dec^r 16 1742

Read and Concur'd

T Cushing Spk^r

Consented to,

W Shirley

To his Excellency William Shirley Esq Cap^t Gen^l Governour in Chief, in & Over his Majesty's Province of the Massachusetts Bay in New England To the Hon^l his

Majesty's Council & the Hon^l House of Representatives
in Gen^l Court assembled, May. 26. 1742.

The Petition of Us the Subscribers, Inhabitants of Biddeford & Scarborough
Humbly Shews

That whereas this Hon^l Court did in the Year 1733 grant to a Company of Naragansett soldiers a Township, lying on the Easterly Side of Saco River, adjoyning partly to Biddeford & partly to Scarborough afores^d, called Narrhagansett Township, Number One, under certain Conditions of Settlement to be compleated, within the Term of seven Years from that Date; As by a Copy of sd Grant & Plann annex'd may appear, which Term of Years is long ago expired: Yet not above Ten or a Dozen of the sd Grantees, have made any Beginning towards Settling their Lotts in sd Township, & sundry of those who did seasonably begin to Settle & improve the Same; have left their Settlements, by Reason (as You^r Pet^s humbly conceive) of the Backwardness of the Other Grantees. And whereas the Land contain'd in sd Grant, is capable of Making a Good Town; were there People admitted & encouraged to go upon & improve the Same — The Want of which is a Great Detriment, not only to the Towns whereto we belong, but also to all the Rest of y^e Towns, & Settlements, in this Eastern Frontier — And Y^e Pet^s having been for some Years past employ'd in getting Masts for his Majesty's Service, were necessitated to expend considerable Costs & Labour, in Clearing Roads, making Bridges & Causeys &c in & near sd Township, which will be of great Advantage in Settling the Same; And Y^e Pet^s having met with considerable Losses & Discouragements in the Business of Masting; & being desirous to assist in bringing forward a regular & defensible Town, in this Exposed Frontier — We beg Leave to pray — That Y^e Excellency & Hon^{rs} would in Y^e Great Wisdom & Goodness take effectual Care, That the Grantees

admitted into sd Township, who have not Settled their Lots according to the Conditions of their Grant may be declared delinquents & their Lots forfeited — & that Y^o Pet^s or as many of Us, as there may be Room for, may be admitted as Settlers in their Steads, under such Conditions, as may effectually secure the Speedy Settlement of the sd Township.— And Y^o Pet^s (as in Duty bound) shall ever pray &c

Joseph Fabyan

| | | |
|----------------------------|---|------------------------|
| Sam ^l Haines | John Fabyan | Elliot Vaughan |
| Edward Milliken | Jethro Starbird | Dominicus Scamman |
| Sam ^l Car | John bragg | Benjamin Joy |
| Edmund Ward | Benjmen Foss | Richard Berry |
| Abraham Tyler | Robert Au_ [sic.] | James Berrey |
| John Babb | Joseph Munson | William Berey |
| John Norman | Nathan Knights | Job Roberts |
| Nath ^l Milliken | Job Bwrnwn Juner | John R [sic.] |
| Timothy Haines | Elisha Berre | Jacob Davis |
| Robert Munson | Thomas Burnom | Edward Ramry |
| James Tyler | Martyn Jose | Moses Durel |
| Royall Tyler | Daniell Burnum | Charles Ha [sic.] |
| Samuel Walker | Rich'd Dresser | Sam ^l Carll |
| Joh Starbird | John Coulbroth | Josiah Libby |
| Timothy Carll | Sam ^l Small Jun ^r | Nathnel Finlayson |
| Jonathan Libby | Daniel Feild | Samuel Harmon |
| George Parcher | Nathaniell Harmon | Ban Richards |
| John Harmon | Paul Thompson | Walter Foss |
| John Thompson | Joseph Foss | William Goold |
| John Eldon | Forgus Haggen | Thomas [sic.] |
| Hannah Pitman | | |

In the House of Rep^{es} June 12, 1742

Read and Ordered that Cap^t Samuel Haines Serve the Clerk of the Proprietors or Grantees with a Copy of this Pet^a that they shew cause if any they have on the Second tuesday of the next ffall Session why the Respective Rights of the

delinquent Prop^{rs} or Grantees should not be declared forfeited.

Sent up for concurrence.

T. Cushing Spk'r

In Council June 14, 1742. Read & Concur'd

J Willard Seřry

Consented to

W Shirley

In Council, Dec. 16 1742.

Whereas this Court is informed that there is a Meeting appointed of the Grantees or Proprietors of the new Township mentioned in this Petition, in order to their proceeding effectually to fulfill the Conditions of this Grant,

Ordered that this Petition be referd to the second Tuesday of the next May Session for further Consideration.

Sent down for concurrence.

J Willard Seřry

In the House of Rep^{res} Dec 16, 1742. Read and Concur'd

T Cushing Spk'r

Consented to

W Shirley

Vote.

In the House of Representatives June 16, 1742

Voted that the following Message be sent up to his Excellency the Capt General Viz^t

May it please your Excellency

The House have Considered your Excellencys Message of yesterday concerning the Strengthening the Garrison of Brunswick, but they do not apprehend that the Advantages of that Garrison to the Government, or the Burthensomeness of the Services required of the Soldiers do at present demand any Augmentation thereof

T Cushing Spk'r

Prov: of the Mass^{ts} Bay

To his Excellency W^m Shirly Esq^r Cap^t Gen^l & Govern^r in
Chief in & over said Province and to y^e Hon^{ble} y^e Council
& House of Representatives in Gen^l Court Assembled
May 1742

The Petition of y^e Subscribers Inhabitants of y^e Town of
Berwick in y^e County of York within y^e Province aforesaid
humbly sheweth

That y^e said Town is so situated as that One Meeting
house Cannot long Accomodate the whole town & when y^e
Lands shall be more Settled & Subdued it will be Convenient
& Necessary that the Town should be Divided into two Par-
ishes, Especially if Peace be Continued & people Settle the
out Lands as they have done since y^e last Indian Warr the
Greatest Number of Inhabitants will be at such a Distance
from the Place of Publick worship where it now is or that
they Cannot Attend y^e Publick worship without great Diffi-
culty many living at this time five six seven & some near
about Eight Miles Distant as y^e roads are from y^e Meeting
house The Petit^{rs} Pray leave further to State that the Meet-
ing House Now Standing is on y^e Ministry Lands very Con-
veniently placed for y^e Inhabitants of y^e first or Lower parish
whenever y^e Town shall be divided into two Parishes and
another Meeting house if Built in s^d Town Ought (as your
Petit^{rs} think) to be built at Least four or five Miles Distant
from that which now is, that So it may be Convenient not
only for y^e New Settlem^{ts} that now are but also such as will
be made & are Daily Makeing — Your Peti^{rs} being mostly
Inhabitants of that part of y^e Town which must be y^e Lower
Parish (if ever there be two in y^e Town) and are willing to
build a Meeting house amongst y^e New Settlements & sup-
port a Minister of y^e Gospell at the Towns Charge untill
there shall be a Sufficient Number of Inhabit^{ts} able to Support
A Minister by & amongst themselves yet so it is that a

Number of the Inhabitants have prevailed at a Town Meeting in said Berwick on y^e 20th of May Ins^t to have a Vote Passed to have a Meeting—built to Accomodate the People in Generall to be built betwixt y^e house of Hump: Chadbourne Esq^r & M^r Roger Plaisted House which Must be within about one Mile & half or two Miles Distant from y^e Meeting house that Now is and will be at least five or six Miles from Many New Settle^{ts} that now are in Said Town & will not Accomodate either Parrish — (if ever there should be two) and will utterly Destroy y^e Meeting house that now Stands in y^e Most Convenient place & where y^e Publick worship has been performed for fifty years or more & where y^e Most Publick place is & y^e Antient Settle^{ts} in y^e town are & to which y^e Ministry Lands are Most near & Convenient — Moreover as y^e Cost of building A Meeting house is very Considerable & should be Contrived as to Accomodate y^e people & place for many years to Come Yet the place where this House is appointed to be built will not be Convenient for y^e New Settlements or for y^e Old Settle^{ts} but Contrived by some whose Conveniency (and they may think y^e Publick Good of y^e Town) will be thereby Suited — But Certainly it will be to y^e Great Hurt of both Ends and General Good of y^e Town as your Petit^{ts} Conceive And it being a Matter of Great Importance & Consequence to y^e Town it tends Much to y^e Peace & welfare of y^e Inhabitants that Now are & will be in time to Come to have a Meeting house placed where it cannot Possibly be Otherwise but Most convenient your Petit^{ts} therefore Most humbly pray that this Great & Gen^l Court out of their Great wisdom and Justice will be pleased to take y^e Premisses & y^e dangerous State and Condition of the Town into their Compassionate Consideration & in order to prevent that Evil which our Brethren intend and are about to do) Tho Perhaps they may think best for) the Town — that this Court will be pleased to Interpose in this affair &

send a Com^{tee} to view y^e Town & y^e Situation roads & rivers & report their Opinion Concerning y^e Same to this Hon^{ble} Court at what time this Court shall order both as to y^e places suitable for Meeting houses & Dividing lines (or to Divide y^e Town into two Parishes if y^e Gen^l Court shall think best) or grant to your Petit^{rs} relief in y^e Premises as this Great & Gen^l Court shall in their Great Wisdom & Justice think fit — And that any further Proceedings relateing to the building A New Meeting house may be Stayed in the mean time and your Petit^{rs} as in Duty bound shall pray &c

We Desire that M^r Noah Emery May be Accepted in our Names to prefer this Petitⁿ to y^e Great & Gen^l Court at Boston —

| | | |
|---|---|--|
| John Cherryson | Phillip Hubbard | Jn ^o frost |
| Nathan ^{his} X Lord | Will Goodin | Dan ^l Wadlin |
| Joseph Hubbard ^{mark} | Simon Lord | Tho ^s Lord |
| John Hupper jun ^r | Tho ^s Goodin jun ^r | Benj ^a Lord |
| F Spencer | Abr ^a Lord | Jn ^o Goodin Jun ^r |
| John Cooper | Job Emery | Sam ^l Hodsdon j ^r |
| Jos : Hodsdon | John Cooper j ^r | Jabez Emery |
| Rich ^d Hodsdon | Rich ^d Lord | Moses Goodin jun ^r |
| John Lord | Sam ^l Hodsdon | John Lord |
| Tho ^s Hodsdon | Tho ^s Hearl ^{his} ~ ^{mark} | Rich ^d Shackerly j ^r |
| John Hill | Sam ^l Nason | John Tompson jun ^r |
| Tho ^s ^{his} X Bragdon ^{mark} | W ^m Moore | Eben ^r Abbot ^{his} X ^{mark} |
| Aaron Abbot | Daniel ^{his} X Hunt ^{mark} | Tho ^s Goodin |
| Step ⁿ Wood | Sam ^l Gatchel | Walter Abbot |
| Ich ^d Goodin | Adam Lord | Benj ^a Chadbourn |
| John Hodsdon j ^r | Elisha Hill | Aaron Lord |
| W ^m Hight | John Stockbridge | Elisha Plaisted |
| Taylor Goodin ^{his} X | Aaron Goodin | Benj ^a Nason |
| John Nason ^{his} X ^{mark} | Moses Gray | Sam ^l Lord ^{his} L ^{mark} |

| | | |
|---|--|---------------------------------|
| W ^m Spencer | James Plaisted | Joshua Plaisted |
| Benj ^{an} Lord | Sam ^l Abbot | Gilbert Hearl |
| Rich ^d Nason ^{his} × | Uriah Page | James Lord |
| Rich ^d Shackerly ^{mark} | Elias Grant | Nathan ^{his} × |
| John Hupper | Sam ^l Lord jun ^r | Joseph Jelleson ^{mark} |
| Atherton Hearl ^{his} × | Moses Spencer | |
| | ^{mark} | |

In the House of representatives June 4. 1742, read & Ordered that M^r Clark & M^r Perkins with such as the Hon^{ble} Board shall joyn be a Com^{tee} to repair to y^e Said Town inquire into the Situation & Circumstances thereof & report what they Judge proper for this Court to do thereon at their next Session and that the Town be Directed to Suspend in y^e Mean time any further Proceeding in building a Meeting house, The Cost and Charge of said Com^{tee} to be Defrayed by the Petitioners

Sent up for Concurrence

T Cushing Speak^r

In Council June 4 1742 read & Concur'd & Jer: Moulton Esq^r is Joyn'd in y^e affair

J Willard Sec^r

Consented to

W Shirley

Copy Exam^d p J. Willard Sec^r

York ss June & July 1742 I have read y^e foregoing Order of Court to Mess^{rs} Peter Grant Jos: Hart & Gilbert Warren Selectmen of Berwick & to Mess^{rs} Benj^a Libby & W^m two of their Com^{tee}

p Caleb Emery Dep^t Sheriff

N. B The whole Petitⁿ was read to two of y^e said Select men viz^t Jos. Hart & Gilbert Warren p Caleb Emery

Copy.

Gov^r Shirley to the Duke of Newcastle.

Boston N. Engl^d Aug^t 30. 1742

My Lord Duke

Since I had the Honour of writing my last to your Grace, I have visited the Eastern parts of this Province at the distance of about sixty Leagues by Sea with the several Forts there, and have had an Interview and Treaty with the Penobscott and other Indian Tribes bordering on those Settlements ~ These Tribes by means of some Intermarriages of the French among 'em and French Missionaries being constantly resident with 'em at their Head Quarters in the Woods, who thereby gain an Influence over 'em from their Childhood, are always so far in the French Interest as to take their part in time of War, and sometimes by their Instigation enter into War with the English in a time of peace between the two Crowns, upon which Occasions they have ever broke up our Frontier Eastern Settlements and destroy'd many Families, and kept the Province in a continual Alarm; And as the only hold which this Government has had upon 'em, has been to supply 'em with a Trade upon cheaper Terms than the French can, it has ever been its Policy to maintain Truck or Trading Houses in their Neighbourhood in order to keep 'em dependent upon us for their Cloathing, Corn Rum and other Provisions and Necessaries; These Circumstances have made it thought advisable upon the Accession of a new Governour that a good Understanding and Friendship should be renew'd and cultivated with 'em by his having an Interview and Conference with 'em, and hearing and redressing their Complaints, which I thought the more necessary at this Crisis, when an Expectation of a French War had in a great measure prepared 'em for a Rupture with us, and the English Settlements there, which had before begun to grow very fast, had been of late at a stand thro' some Discouragements from this Government

in the latter part of M^r Belcher's administration, which had made 'em doubtful of the protection of the Government, and had prevented M^r Touberbhuker (who had then lately carried 500 Families out of the Swiss Cantons to Georgia) from transporting 100 protestant Families more of 'em to make a Settlement in these parts, as he had in 1735 contracted with M^r Waldo to do.

At former Interviews, and particularly in the times of Gov^r Shute, Lieuten^t Gov^r Dummer and M^r Belcher, these Tribes have taken the State upon 'em of making the English Governours stay two or three Days before they would wait upon 'em after their arrival at the places of Treaty, and constantly made Attempts to treat under French Colours at their first appearance; but I had the satisfaction to have the Chiefs of the several Tribes wait upon me, as soon as they could assemble, after notice of my Arrival in S^t George's River, on board the Province Galley before my Landing, with a British Union Flagg at the Head of their Canoes, under which they continued to treat all the time of the Conference; and to receive from 'em as strong Expressions and assurances of peace and Friendship to the English as they could profess: All which together with a persuasion, which the Settlers in those parts now have: that the Government of the Province will afford 'em equal protection with its other Inhabitants, may, I hope, have a good Effect upon the Eastern Settlements, which were before in danger of being abandon'd, and which if well peopled and cultivated will in time prove the most valuable part of the province, as they have a richer Soil and more capable of producing all manner of Grain and most kinds of Naval Stores than the Western parts of the County, and will be a considerable Curb upon the French Settlements.

After the Treaty with the Indians I view'd the several Forts in those parts, three of which, viz^t the Forts at S^t

Georges, Richmond, and Fort Frederick at Pemmaquid, which last had been dismantl'd for three or four years in Gov^r Belcher's time, are now near being well repair'd in a very strong, defensible manner, particularly the Fort at pemmaquid, the Rebuilding of which has been given in charge to all his Maj^{ty}s Governours in his Royal Instructions almost ever since it was demolish'd by the French, is now rebuilding with Stone. And the whole Country, in which are many strong, Garrison'd private Houses, will, I hope, be soon in a Condition to defend themselves in case of a War.

I should have mentioned it to your Grace in my last that in Obedience to his Maj^{ty}s 7th Instruction to me the Stile of the Acts of the General Court is now alter'd from ~ Be it enacted by his Excellency the Governour Council and House of Representatives in General Court assembled and by the Authority of the same to ~ Be it enacted by the Governour Council and House of Representatives: which Stile will be duely observ'd in all future Acts: But some few were pass'd at first in the old Stile thro' Inadvertency, which are transmitted home for his Maj^{ty}s Approbation, and I hope will not be disallow'd on that Account.

I am with the most Dutifull Regards My Lord Duke Your Grace's most Obedient & most Devoted, Humble Servant
W. Shirley

Report.

In Obedience to the Order of the General Court of the fourth of June 1742, We the Committee to whom was Referred the Petition of Several of the Inhabitants of the Town of Berwick Relating to their Meeting house having Repaired to the said town and Viewed the Several parts thereof & the Situation of the Inhabitants & heard all the

parties therein Concerned. Agree Humbly to Report 1. That the Old Meeting house now standing being in the place where the Publick Worship of God has hitherto been performed in said Town & so Conveniently Situated as that the Ancient Setlers Inhabitants who Built & kept it in Time of War and Difficulty ought Still to keep it since if they shou^d but go but One Mile & half to North of the said Meeting house are Sufficient of themselves for a parish We therefore Judge it Unreasonable that the same shou^d be Demolished but that it Ought still to be maintained in the same place 2. We find that since the last Indian Warr and said Town hath made very Considerable Improvements with great Pains & Industry & Settled so farr towards the Upper End of the Town in the Several parts & Roads thereof that We apprehend the said Town may in Time be Seperated into Two parishes But at present We are Humbly of Opinion its best to Continue in One Body. And if the Inhabitants shall agree so to do & keep together & the Lower part of the Town do as they have and still Offer to do, that is to Assist the Upper part in Building a Meeting house & Supporting a Minister to Accomodate the new Settlements or Upper End of the Town we think and Judge their Offer to be very Reasonable And inasmuch as the Now Meeting house will not hold all the Inhabitants of said Town & Since Some of the Upper part of the Inhabitants thereof Travil a great Way to Meeting as has been Represented in the Petition We are Humbly of Opinion that their be another Meeting house Built in said Upper part of the Town where it will best accomodate the Inhabitants of the said Upper part of the Town so that it be above Capt Chadbourns in a Convenient place where they shall agree, Wherefore upon the whole We humbly Conceive it will be much for the future peace & well being of the Town that the said Town be Directed to keep the Now Meeting house in Repair & Build a New One

where it will best Accomodate the Inhabitants above Capt
Humphry Chadbourns in the Spot where they shall agree

All which is Humbly Submitted

By Order of the Committee Jer Moulton

In Council Sept 9th 1742 Read & Ordered that the Con-
sideration of this Report be referred to the next Session;
and that all proceedings relating to the Building a Meeting
house be further Suspended till that Time

Sent down for Concurrence J Willard Seȳry

In the House of Representatives Sept 9th 1742 Read &
Concur'd T Cushing Spk^r

Consented to W Shirley

In Council December 24, 1742 Read & Ordered that this
Report be Accepted –

Sent down for Concurrence J Willard Seȳry

In the House of Representatives Decem 24. 1742 Read
& Concurred T Cushing Spk^r

Consented to W Shirley

Copy Exam^d p J Willard Seȳry

Gov^r Shirley to the Duke of Newcastle.

Boston New England Sep^r 15th 1742.

My Lord Duke,

In my Letter to your Grace of the 30th of
Aprill I mention'd the Consternation and Distress, which the
Effects of the Act of Parliament lately made for suppressing
the Land Bank or Manufactory Company had occasion'd to
such of the Directors and Partners, as had in Obedience to
the act brought in their Quota of Manufactory Bills, to be
consumed; inasmuch as they still remain'd exposed by the
Act to satisfy the Demands of the Possessors, of all the other
Bills, and for want of doing it to incurr the penalty of a

premunire, without having any Remedy against those dishonest Partners, who stood out in defiance to the Law; And that to relieve such persons as much as may be without interfering with the Act of Parliament, I had upon their earnest Petition form'd and proposed an Order, which afterwards pass'd the General Court, and I hoped would contribute towards bringing in the other Partners to do their Duty by a Compliance with the Act: Since which that Order has had the Effect to reduce the Outstanding Bills, which amounted to the Sum of £49250 Lawful Money, to about £11000, and brought in upwards of six hundred of the Partners to Comply with the Act of Parliament; and in order to give the finishing Stroke to the whole Scheme by compelling the Delinquent partners to redeem and bring in the Remainder of the Outstanding Bills to be consumed, I have this day given Orders to those Partners, who have done their duty, to cause Demands to be made and Actions commenc'd against the most Refactory of the Delinquent partners, in order to bring 'em within the penalties of the Act of Parliament upon their persisting to stand out against it, and caus'd an Order of Council to be pass'd directing the Attorney General to prosecute 'em forthwith; which Steps will, I doubt not, now put an End to this pernicious Scheme; tho' they might some Months ago have probably been attended with Disorder and other ill Consequences.

To apprize your Grace fully of the late dangerous Tendency of this Scheme it will be necessary to observe to your Grace that the late Land Bank Company consisted of between eight and nine hundred partners, chiefly Countrymen, and of some landed Estate; That the Merchants, whilst the Company was forming, made Application to M^r Belcher then Governour to prevent it; But upon his not taking those Steps which he had promis'd 'em to do, they applied to his Majesty in Council for Redress against the

Scheme; Mr Belcher being alarm'd at this proceeding of the Merchants exerted himself by turning many of those, who were concern'd in the Scheme, out of Publick Posts; But these Efforts of his coming too late after large Quantities of the Bills were emitted and dispers'd all over the Province, and when those Persons, whom he turn'd out, were really so engaged by Covenants and Arguments (which the other partners would not release 'em from) that it was not then in their power to extricate themselves, serv'd only to exasperate the People, and begot so Malignant a Spirit in 'em that the Company and other Abettors of the Scheme became almost formidable to this Government.

But as the Quantity of the Outstanding Manufactory Bills is now so much reduced, and the Currency stopp'd and the Partners so divided and broke among themselves that the Delinquent ones are not an inconsiderable party, a rigorous Execution of the Act of Parliament grounded upon the Complaint of those, who have comply'd with it, against their Delinquent Partners is now the best Method to subdue those, who have hitherto stood out against the Act, and will, I doubt not, effectually do it ~ And, I think, I may now assure your Grace that this Scheme will have been so timely destroy'd, that not one honest Man will suffer much by it, And in the mean time, I have had the Satisfaction to find those Members of the House of Representatives, whose Relation to the Land Bank Scheme made it expected that they would have been in opposition to the Measures of the Government, have been brought to concurr in and promote his Maj^{ty's} Service in several considerable points, which had never been before gain'd from former Assemblies; And that the Difficulties of the Province, which the House of Representatives in their Address upon my first coming into the Chair tell me they were much concern'd that my accession to the Government should be attended with ~ But that they must

not despair of the Commonwealth are surmounted; and a general Tranquility and Satisfaction to which this Province has been an utter Stranger for these many years past, seems to be happily establish'd among the People.

Since my last to your Grace I have obtain'd further Grants of Money from the General Courts for finishing the Forts in the Eastern Parts of the Province, and have prevail'd on them to take some steps towards providing for the Maintenance of a Chaplain in Fort Frederick at Pemmaquid, which I hope will be compleated at their next Session, and will perfect the Establishment of that Fort—And upon being inform'd that the French Government in Canada have lately refus'd to permit any English to walk their Streets at Quebec, but had confined some to their Rooms, who attempted to come there, I gave Orders for the like Confinement of the French Men, who were in this Town, and for their Departure out of the Province in five days; Before which I prohibited those only from coming into the Province, who were suspected to come with a View of Illicit Trade or some other ill purpose.

Mr Plumptre has communicated your Grace's Commands to me concerning Mr Willard the Secretary of this province; I had before taken the liberty to write in his Favour to your Grace; and your Grace's Commands will add to the Attachment which his own Merit had given me to him.

I am with the most Dutifull Regards My Lord Duke Your Grace's most Obedient & most Devoted, Humble Servant

W Shirley.

Letter Joseph Plaisted to Sam^l Waldo Esq.

Sir

York october 19th 1742

According to your Disier I have ben with Mr Emmery and it is his opinion that thare Dont by any acion

on y^e accompt of y^e Bills of sale against y^e men Nither doth he thinke by y^e Laws of y^e Seas you have any Just Rite to y^e Bots so as to Come at tham because thay Niver ware Dispossed of tham and he sas not with standing y^e Bills of sale if you ware a mind to have held tham you should have made a Demand of tham within three years) he think it will be best to sue by your notes, or accounts I have Sent to Gains I have allso bin with Stapels y^e Nowells and others hold thare best high Prise: I am a fraid we shan^t be able to Git it under Eight pence p^r pound and for that I do think we Can Git five or six yoke of oxen: y^e Buter I was speking to you about m^r Gibbs Came while I was with you and Got it a way and bough^t more at other plases and offer^d three shillings p^r pond bu^t I have Go^t sum of yours and think I Can Git y^e Res^t and that which is Good Sir I Desire a line from you as sune as may be: and in y^e mene time I shall do y^e best I Can in y^e whole afare for you) I have seen morrill and have Re^d Thirty Pounds of him on y^e account of y^e Bond which is all he Can pay at Presant y^e Bond is no^t ou^t this ten days this is wha^t offers at Presant from your Humble Sarvn^t

Joseph Plaisted

To Sam^l Waldo Esq^r

Copy of Record.

At a Legall Meeting of y^e Proprietors of the Narraganset Township: no: one held at Cap^t Joseph Hales Inholder at Newbury on y^e 20th day of october A D: 1742.

M^r Daniel Hale was Chosen Moderator for said meeting.

Joseph Gerrish & John Greenleaf Esq^s were Chosen and impower'd a Com^{tee} to Represent y^e Proprietors of sd Township at the next sitting of the Great & Generall Court or assembly of his majesties Province of y^e Massachusetts bay

in New England then & there offer reasons in Behalf of said Propri'ts why the prayer of s^d Petition Signed by Eliot Vaughan & others (Relating to a Township Called no- one Lying on Saco river Dated May y^e 26th 1742) Should not be granted,

A true Coppy taken out of the Propri'ts book on october the 28th A. D. 1742

attest Joseph Coffin Prop^r Clerk

These are to Sertify any pearson to Whom it may Concearn that the subscriber was the week before Last on the township which was Layd out to the narrowgansit Soulers Cauled number one Lying on the East Syde of Soco Riuer and I Saw a Sawmill Erected on sd tounship which the millrights informed me that thay Desined to get it to go in three or fore Days and I saw five Houses Erected and I was informed that there where Severel More Scattering a Bought in the township. Dated Rowley November: 17th 1742 Nath^l Mighill

Essex ss November 18th 1742

Then the within Named Nathanael Mighill Personally apeared and made Oath to the Truth of the within written before me John Hobson Justice of Peace

Extract of Letter from Gov. Shirley to the Lord President.

Boston Nov^r 1st 1742.

As M^r Kilby has inform'd me that the Lords of the Committee of Council have consider'd province's petition to his Maj^y for Cannon &c^a to supply the New Battery at Castle William, (without which that Castle will not be a sufficient protection to y^e Province against an Enemy) and that y^e chief Impediments to the Success of y^e petition are y^e province's Neglect to repair Pemmaquid Fort, (the doing of which has indeed been particularly given in charge ever

since its Demolition by the French to every one of his Maj^{ty}s Governours here by his Royal Instruction) to pay 500 for y^e same Number of Fusils sent to y^e province in 1704; I would beg leave to inform your Lordship as to Pemmaquid Fort, that I have taken effectual Care concerning the Repairs of it, which upon a view I find are already near two thirds compleated with Stone work in a very defensible manner, & will be finished early in the Summer, I having obtaind a sufficient Sum at y^e last Session of y^e Gen^l Court for that particular Service, & made some Advance towards getting a Chaplain Settled there, so that I dare undertake for the finishing of the Works at the Fort & the thorough Establishment of the Garrison by Summer, which I hope will induce their Lordships of y^e Committee to overlook past Neglects in this Matter —

As to y^e Non payment of y^e 500 Guineas, I have (in the present Recess of y^e Gen^l Court) orderd y^e Sec^{ry} to search the proceedings of y^e Court in that Affair, & to make his Report to me thereupon, which I shall transmit to the Agents, that they may give their Lordships the best Acco^t they can of it, And if I might be allowd to be an Intercessor with your Lordship & the other Lords of y^e Council for the province in this particular; I would observe in it's Favour that it has been at avery considerable Expence this last Year by several Grants for repairing not only Pemmaquid Fort, but three other of his Maj^{ty}s Forts in the Eastern Parts of y^e province for it's Defence against y^e Indians & French of Canada, as also for erecting Batteries in all the Sea port Towns, all which as well as the Fortifications of Castle William were a few Months ago in avery defenceless Condition, & will require further large Sum^s of Money to compleate 'em :

I would presume further to observe to your Lordship that y^e Gen^l Court has by their remarkably free Grants for his

Maj^{ty}'s Service in the Expedition ag^t y^e Spanish West Indies considerably increas'd y^e Taxes of his Massachusetts Subjects within these three Years, & which was done with great Zeal & Cheerfulness: I would lastly urge in their favour that y^e great Fishery carried on by the Inhabitants of this province only & y^e Importance of the Harbour of Boston to his Maj^{ty}'s Service, in case a large Armament should be ever sent from Great Britain against any of y^e French settlements in North America, (as that port is look'd on by y^e French & really is the most convenient & Advantageous if not only place of Rendezvous in his Maj^{ty}'s Northern Colonies for a considerable Number of Ships & Troops) would, in case of a Rupture with France, expose it more to a visit from the Enemy, on acco^t of it's Importance to the Interests of his Maj^{ty}'s British Dominions than any other of his Northern Colonies, which therefore requires that Harbour to be secured in y^e best manner, & may I hope recommend it to his Maj^{ty}'s Favour.

Falmouth Petition. Nov. 3, 1742.

To his Excellency William Shirley Esq^r Cap^t general & governour of his Majesties Province of the Massachusetts Bay in New England And The Honourable house of representatives In General Court now Assembled the Petition of the Second or South Parish in Falmouth In Casco Bay humbly Sheweth

That whereas your petitioners by long Tryal and Experience do find many difficulties and Inconveniences In being but a parish and so part of the Town of Falmouth more particularly upon these Two accounts In attending upon the Publick meetings of the Town we being Oblidged to pass over a river or Arm of the Sea near a mile wide without any Ferry or Sufficient number of boats to Convey us Over so

that it is next to an Impossibility for the body of our people to attend on s^d meetings and the difficult^y is almost as great to go by land it being fourteen or fifteen miles travail In a bad Road for maney of us and yet we very often find great damage acerue to us for want of being present at s^d publick meetings.

On the Account of a School The Town is large and we being the lesser parish have not had One months School kept among us At the Towns cost for these last Seven year past and what Little learning any of Our Children have Obtained is by Our Subscriptions when yet at the same time we are Oblidged to help Support the Towns School for these And Sundry Other reasons that we forbear to mention (seeing there is a Competency of Good land In Our parish & a number of Inhabitants to Support Town Charges) we Earnestly pray that we may be Erected into a distinct and that the bounds of Our parish may be the bounds of the same and we your poor Petitioners Shall as In duty bound Ever pray

| | | |
|---|------------------------|---|
| Falmouth Nov ^{br} y ^e | Domini Jordan | } Com ^{te} for the second parish of Falmouth |
| 3 ^d 1742 | E ^z Cushing | |

In the House of Rep^{ves} Dec 4 1742

Read and Ordered that the Pet^{rs} serve the Town of Falmouth with a Copy of this Petⁿ that they shew cause if any they have on the first fryday of the next May Session why the Prayer thereof should not be granted

Sent up for concurrence

T. Cushing Spk^r

In Council Dec^r 6, 1742 Read & Concur'd

J Willard Sec^{ry}

Consented to

In the House of Rep^{ves} June 3^d 1743

On A Motion made and seconded Voted that this Petition be revived and that the Pet^{rs} serve the Town of Falmouth with a Copy of this Petⁿ that they shew cause (if any they have)

on the first tuesday of the next Sitting of this Court why the Prayer thereof should not be granted

Sent up for concurrence

T Cushing Spk^r

In Council June 3, 1743 Read & Concur'd

Consented to

Copies of Record.

At a Legall meeting of y^e Proprietors of Narragansett Township Lying on y^e Easterly side of Saco river Called No: one s^d meeting was held at Cap^t Joseph Hales in Newbury on y^e fifteenth day of June A. D: 1742

Deaⁿ Aaron Potter was moderator for said meeting Voted that their should be Eighteen hundred pounds in bills of credit of y^e old tenor raisd on y^e Proprietos of said Township to defrey y^e charges in bringing forward said Township more Especially to Encourage thirty men of said Proprietors to Settle on said township according to the true meaning of the Great & Generall Courts act in that case made and provided as by Charter may appear y^e aforesd Eighteen hundred Pounds (in bills of credit) shall be assessed Collected & paid in to whom it shall be ordered within y^e space of six months next after y^e date hereof & y^e person or Persons to whom said mony shall be paid shall give sufficient Bond to pay out y^e same according to the Proprietors order -

Deaⁿ Sam^l Moody of Newbury Deaⁿ Aaron Potter of Ipswich & Deaⁿ Francis Pickard of Rowly are Chosen assessors for said Proprietors.

Whereas there hath been & is raised Eighteen hundred Pounds of y^e old tenor to be paid to thirty of y^e Propr^s of said Township that shall appear & give Bonds to fulfill y^e Courts order on thirty Propr^r shares in sd Township within y^e space of six months time next Expiring y^e date hereof

the payments to be as followeth (viz) one third part at their begining to settle & one third part more when they have half done their settlement & there other third part when they truly fullfilled y^e Great & Generall Courts order to all intents & purposes it is to be understood that when y^e aforesd thirty have built their houses & cleared & man^ded their Land according to y^e Courts order then they shall be Entitled to their Last payment upon their giving bonds to keep a family in Each house untill the Township be made a town & invested with town Priviledges or when & so soon as they them or either of them have done & finished their settlement he & they shall their mony as aforesd they Each of them keeping a family in each of their houses untill said township be made a town & invested with town Priviledges as aforesaid ~

Voted Stephen Mighill & others in Company Shall build a Saw Mill at said Plantation as so as shall be agreed upon by y^e said undertakers & a Com^{ee} Chosen for that servise & are to have two hundred Pounds in bills of credit (old tenor) for their so___

M^r Sam^l Moody Leiu^t Nath^l Duñer Leiu^t Joseph Coffin are Chosen a Com^{ee} to agree with Stephen Mighill & others about said saw mill both on y^e terms of building & sawing & when to Resign up said mill to y^e Proprietors.

A true Coppy taken out of y^e Proprietors Book Novem^r
y^e 13th 1742 Attest Joseph Coffin Pro^r Cle^r

At a Legall Meeting of y^e Proprietors of - Narragansett Township No: one held at Cap^t Joseph hales Inholder in Newbury on y^e 20th Day of october 1742 M^r Daniel Hale was Chosen Moderator for said meeting

Whereas their was a Com^{ee} Chosen Some time passd to build a Meeting house at y^e Township Laid to the Narragansett Soldiers Called No: One and by reason of y^e talk of a french war it is not yet built: it is now voted that the said

Committee shall forthwith go on and fully build & Compleat said meeting house

A true Coppy taken out of y^e Prop^r Book on nov^r y^e 18th
A D 1742

Attest Joseph Coffin Proprietors Clr

At a Legall Meeting of y^e Proprietors of the Township Granted to y^e Narragansett Soldiers Living in the County of York held the 11th day of Aprill 1739 (Called No. 1 -) Cap^t Nathaniel Myghill was Chosen Moderator

Voted that the Said Meeting be adjourn'd to Monday to y^e Eleventh day of June next at one of y^e Clock in y^e afternoon

At said meeting held the 11th day of June 1739 by adjournment, it was voted that Cap^t Nath^l Mighill M^r Isaac Appleton & M^r Sam^l Chase or the major part of them be a Committee to agree with some person or persons to clear some Land on the Westerly End of y^e first or second Lotts known by y^e Letter D in y^e fift Division in said Township to build a meeting on, for y^e Publick Worship of God, of y^e Contents of thirty feet Long & twenty six feet wide & nine feet stud of hued timber & y^e roof to be borden & short shingled & the said Com^{ee} are to have said house well finished fitt to Preach in by the Last of September which will be in the year 1740.

Voted that the said Proprietors shall pay twenty shillings a Right for every Right in s^d Township unto y^e Proprietors Treasurer on or before the first day of January next after y^e date hereof & said mony (or what shall be needfull) to be drawn out by said Committee to the building the meeting house ~

Voted to the Committee that went to state a place for a meeting house fifteen Pounds in full for their service.

A true Coppy taken out of the Prop^r Book Novemb^r y^e 13th A: D: 1742

Attest Joseph Coffin Prop^r Clerk

Petition, Nov. 16, 1742.

To his Excellency William Shirley Esq^r Captain General and Governour in chief, in, and over his Majesties Province of the Massachusetts Bay: &c

To the Honourable his Majesties Council; and Representatives In General Court convened

May it please your Excellency, and your Honours. The Petition of us the Subscribers humbly sheweth. That whereas the General Court granted a Township to Sixty Petitioners of Glocester five years past; last June; on the Conditions thereon expressed. Pursuant to s^d Grant we the grantees had a Township ——— adjoining to North Yarmouth, on the back of the Town ——— quantity according to sd Grant; And in compliance with the Order of the great and general Court; Sixty three lotts have been laid out. And last Aprill was three years we went to settle s^d Town. And built y^e frame of a Saw mill, and cleared eight pieces of land, containing about twenty acres. And built a bridge over the River; and cleared a way about twelve miles in length, and twelve feet wide: And the Spanish war broke out that Summer, which greatly discouraged Us in going on to settle s^d Town. We were under great fears of a French and Indian warr; But this last Septem^r and October have built another great Bridge, the Cost of both amounts to two hundred and fifty pounds. and in building fifteen lesser bridges the way is so good as to go up with a team at y^e charge in all about five hundred pounds; We have built a Sawmil which is just ready to go; and have built ten houses, but not covered: and have indented for five houses more which were to be done by this time; have cleared some more land, have got several small fields of Rye. And fully intend to settle s^d Town with all convenient speed. Our humble request to the General Court is that your Excellency, and your Honours would please to give us three years more to compleat the Settlement: with

Sufficient and lawfull Power to raise money to carry on the Settlement, and defraying all manner of charge that shall arise, or has arisen fully to answer the demands of the government or condition of the grant, as your Excellency and your Honours in your great wisdom shall see needfull.

Which will ever oblige us to pray as in duty bound.

Dated at Gloucester

November 16

1742

Phile Warner

Sam^l Stevens

Joseph Allen

} Committee

In the House of Rep^{ves} Nov 23, 1742 Read and in answer hereto Ordered that the Pet^{rs} with their associates be allowed the further Space of three Years to compleat the Settlement herein mentioned Sent up for concurrence

T Cushing Spk^r

In Council Nov^r 25, 1742 Read & Concur'd

J Willard Secry

Consented to

Letter Patt Motley to

S^t Georges River November y^e 20th 1742.

S^r

I could not make out but six days worke before we wear dismissed y^e sum being soe small my present necessity Called for it I am Resolute to make y^e best progress in leabour this winter possible I can in order Scotts part of y^e timber should be paid without drawing of what has been delivered S^r if your Hon^r would please to send me an Insines Bearth in this fort I should Gladly turn my leabour hear upon this fort and yearly pay into your hands untill I had sattisfied your Hon^r to y^e utmost and would promise to beheave my selfe as becoming my Steation S^r it is y^e want of prouision y^t hinders a Great deal of leabour in those parts

which makes me in my surcumstance at present Begg y^e feavour of this request as soon as your Hon^r thinks proper S^r you promised to send me a few Bushels of meal which I shall be in Great want if not sent by y^e first oppertunity S^r your Compliance to this request will dureing life be Acknowledged by your Humble Ser^t Patt: Motley

Letter Jos. Plaisted to Sam^l Waldo Esq^r

York Nov^{br} y^e 26: 1742

Honor^d Sir

according to your Desier I have ben with m^r Holt and m^r Cole about y^e Prise of Salt I Can: git for Four Pounds ten Shillings p^r hogist and not under you may have five or ten or fifteen if you se Cause:

Sir I have Sent you one Hundred and two pound of Butter by m^r Sam^l Black: I have bought y^e other ox of y^e Nowells that I was speking to you about: Sir you may Remember I was speking to you about a Coroner in York and I made mentition of m^r Hanery Simpson Sir if you will Think of it you will much oblige your Hum^{ble} Sarvn^t

Jos Plaisted

To Sam^l Waldo Esq^r

write by y^e Sloop about the Hides & Tallow

Letter James Littell to Sam^l Waldo Esq^r

Broadbay Dec^{br} 9th 1742

S^r

This is to Lett Know my Missfortun Since you wass with vs Last y^e Ingeneares man Hass Kilt a Steere of mine & Settelled with y^e Ingnear aboute Itt he fell a tree on him &

Broake his back they Killed him & Kept him for nine Days & Sent y^e 4 Quarters & hide to my House with a Gard of men thru them in & went thire way now body a tome but my wife I would Doo nothing to him vntill I sent to you and Lett you Know about It I had y^e Seere Vallewed by tree men & they ware Conted vntill the Steares Came If there is not Method taken with them they May Kill all y^e Creators wee have Worthy S^r if you please I wood willingly have a Line or too from you S^r your most Humble Serv^t James Littell

To the Select men of the Town of Arundel
Gentlemen. Inasmuch as a Considerable number of the Inhabitants of our Town: Labours under a great Diffeculty in attending the Publick Worship: by Reason that the Meetinghouse (as we Conceive) Does Not Stand so Convenient for the Bigest Part of us as we Could wish: The Diffeculty Being so great That Women and Children Cannot attend y^e Publick worship so often nor so Seasonable as they might Do In Case the Meetinghouse stood more Convenient for us — This Is Therefore to Desire you Gentlemen that you will In your Notification for our Annual Meeting Signifie to y^e town our Dificulties and that We the Subscribers Desire that the Town will agree upon some Measures To Redress the same: Either by Removeing the meetinghouse or by Building another meeting house More Convenient for us: in our Town where y^e meetinghouse may be set that may Better accomodate y^e Inhabitants of y^e same than where It Now Stands: Gentlemen We Subscribe our selves Yours &c.
the 17th 1743/4

| | | |
|----------------|--------------|--------------------|
| Samuel Jameson | Robert Smith | Joseph Miller |
| Dauid huchings | Brorja Major | Jabez Dorman |
| Charles White | Jacob Curtis | Phillip dorrell Ju |

| | | |
|--------------------|------------------|-----------------|
| Joshua Walker | Abel Merrill | John Burbank |
| John Merrill | Simcon Hytchings | John Whitten |
| William Waterhouse | Jeremiah Miller | William Darling |

A True Copy of the Origenall Petetion attest by me

Thomas Perkins Town Cler.

This may Certify that there is not any Record in Brunswick Town Book of any Select men or assessors being Sworn in s^d Town for the year 1742

Brunswick April 8th 1743 Attest Benj^a Larrabee T C

Power of Attorney.

Know all men by these presents that we Capt William Woodside Gentleman, Liv^t James Dunieng Gentleman, Samuel Clarke Husbandman, David Dunieng yeoman, Robert Spear Inholder, Robert finney Weaver, all of Brunswick in the County of York and provience of the Macheshesetts Bay in New England haveing for Sundry good Causes and Weighty considerations nominated, Constituted, ordained and apointed, and by these presents do nominate. Constitute and appoint and in our Stead and place, put our trusty and well Beloved friend David Given of the same Brunswick And Same County of York and provience aforsd, Husbandman our true and Lawfull Attorney; to Demand or ask for us, pettion for us, Giving and by these presents granting, to our said Attorney full power to sue, or issue out writs or proses; as the Case may Require, to appear for us and in our name in any Court, Spiritual or temporall, before any Judge or Justice and in our name to make one or more attorney or attorneyes under him, to Substitute or appoint and again at his pleasure to Revoke and further to do Execute

preform and finish for us and in our name all and singular thing or things, Which shall or may be necessary touching or Concerning the premises, as fully thoroughly and Entirely as we the said William Woodside, James Dunieng, Samuell Clark, David Dunieng, Robert Spear, Robert ffinney, in our own persons might or Could do, in or about the same Ratifying, Confirming and Allowing, whatsoever our Said attorney shall do or Cause to be Done in the premisses, by these presents in Wittness whereof we the said William Wodside, James Dunieng, Samuell Clark, David Dunieng Robert Spear, Robert ffinney, have hereunto sett our hands and seals this Eight Day of Aprill Anno: Dommin: 1743

| | | |
|------------------------------|-------------------------|------|
| Signed, Sealed and Delivered | W ^m Woodside | Seal |
| In the presence of | J ^a Duning | Seal |
| William Vincent | Sam Clark | Seal |
| James Douglass | David Duning | Seal |
| | Rob Speer | Seal |
| | Robert ffinney | Seal |

York ss/ Brunswick April 9th 1743

William Woodside James Duning Samuel Clark David Duning Robert Spear & Robert finny Personally appeared and acknowledge the above written Instrument to be there free act and Deed —

Before me Benj^a Larrabee J Peace

Petition.

To his Excy W^m Shirley Esq^r Captⁿ Gen^l & Gov^r in Chief in & over his Majesty's Province of the Massachusetts Bay in New England, The hon^{ble} his Majesty's Council & House of Repres^{ves} in Gen^l Court assembled the 18th of April 1743

The humble Petition of David Given of Brunswick in the County of York Husbandman in behalf of himself & William

Woodside, James Duning Sam^l Clark, David Duning, Robert Spear & Robert Finney & many others Inhabitants of the Town of Brunswick afores^d

Sheweth that at an annual Meeting for said Town on the 29th of March 1742 Mess^{rs} Benj^a Larrabee, Wymond Bradbury & Samuel Hinkley were chosen Select Men of said Town & also assessors, and proceeded in the Office of Assessors without ever taking the Oath by Law required for assessors to take on their entering into Office; That on the 12th of March last the said Select Men in order to have an Annual Meeting on the 29th of said Month issued a Notification for that purpose, & the Constables instead of warning the Inhabitants of said Town as usual, posted up said Notification on the inner Side of the Meeting House door, so that there being no Divine Worship or other publick Meeting in said Meeting House from the time of putting up said Notification, & said Town Meeting very few of the Inhabitants of said Town had any Notice thereof, That on said 29th of March said Select Men being also Assessors but not under Oath as aforesaid, met at said Meeting House, & before choosing a Moderator took upon them to purge said Town Meeting of such as they pretended had no Votes therein, tho' as it can be made plainly appear to your Ex^cy & Honours that most of the Persons whose Votes they refused were well qualified by Law to vote in said Town Meeting, & at the same time they received & took the Votes of several Persons no ways entitled to vote at said Town Meeting, Upon w^{ch} your Pet^r & his Constituents entred their Protest against the Proceedings of said Select Men &c. That then said Town Meeting proceeded & chose Benj^a Larrabee Town Clerk & Moderator, Mess^{rs} Isaac Snow, Sam^l Hinkley & Wymond Bradbury Select Men for said Town of Brunswick, which said Wymond Bradbury was Treas^r for said Town for the Year 1742, & has considerable of the Towns Money in his hands, & not yet made up his

Accounts with said Town for said Year: And the Pet^r in behalf of himself & Constituents humbly apprehend for the Reason aforesaid is not by Law to be chosen a Select Man or Trustee for said Town it being contrary to Reason that he should sue himself, & the Tax Money being in his hands for the Support of the Ministry of said Town can't be provided for as usual, & the People are like to lose the Benefit of the same.

May it therefore please your Ex^{cy} & Honours that notwithstanding the usual time prefixed for preferring Petitions to this Great & General Court is elapsed, that in Consideration of the great distance of your Pet^r & his Constituents from said Court to accept this petition, & to order the said Select Men & Assessors for said Year 1742 to make Answer thereto, & said Town Meeting on said 29th of March last being done by Contrivance as afores^d your Pet^r humbly prays in behalf of himself & Constituents that by the Order of this Great & Gen^l Court the Townsmen of said Town of Brunswick may be enabled to call another Town Meeting for electing officers for said Town for the present Year. And as the Assessors for said Town in the Year 1742 were not under Oath according to Law, that the Inhabitants of said Town may be rated as by the Assessors under Oath in the Year 1741.

And your Pet^r & his Constituents will ever pray

David Given

In Council April 18, 1743 Read & Ordered that the Petitioner serve the Select men & Treas^r of the Town of Brunswick with a Copy of this Petition, that they shew Cause if any they have one the second Thursday of the next May Session why the Prayer thereof should not be granted — Sent down for Concurrence,

J Willard Se^{ry}

In the House of Represent^{ves} April 19. 1743.

Read & Concur'd ~ Att^r Roland Cotton Cler: Dom: Rep:

Consented to

W Shirley

Copy examined p J Willard Se^{ry}

Thomas Skofield of Brunswick in the County of York of Lawfull Age testifieth & Saith that on the fiveth day of may 1743 he served Benjamin Larrabee Esq^r Wymond Bradbury, Samuells Hinkly Selectmen for the Town of Brunswick for the year 1742 & also Wymond Bradbury affores^d Treasu^r of s^d Town for s^d year, & also served Isaae Snow, Samuells Hinkly, & Wymond Bradbury present select men & treasurer for said Town with the within Copy by reading the same to them —

Brunswick May y^e 5th 1743

Thomas Skofield

York ss. Brunswick May 5th 1743

Thomas Skofield personally appeared before me One of his Maj^{ties} Just Peace for the County aboves^d and made Oath to the above deposition

John Minot

Deposition.

The Deposition of Robert Speer of Brunswick in the County of York of Lawfull Age declares & saith That he was chosen Constable for s^d Town of Brunswick in y^e year 1742 and that all the time the Declarant was in s^d Office he never did warn any Selectmen or Assessors to be Sworn: nor was he ever Order'd so to doe at any time during his s^d Constablenesship & further saith not

Robert Speer

Suffolk ss Boston May 3 1743

Robert Speer appearing made Oath to the Truth of the above Declaration by him subscribed

Jurat coram me Habijah Savage Just Pac

Deposition

The Diposition of Robert ffinney of full age testifieth and Saith that he went unto meeting house in Brunswick in the County of York and Saw the Warrant for the annual march meetting Dated March 12th to be held March the 29th 1743 posted in the iner sid of the meeting House Door and Remembers of no meetting or publick Worship till the time the meeting was held and further saith not

Robert ffinney

Brunswick May 17th 1743

York ss Robert ffinney personally appeared & made Oath to the Above deposition

before me John Minot J Peace

Deposition

The Deposition of Robert Spear Constable for the Year 1742 for the town of Brunswick in the County of York being of Lawfull age testifieth & saith —

that having a warrant sent to him by the select men of s^d town, for the afores^d year for an Annuall Meeting to be held the 29th of March following, he suposeing that ther might be Divine Worship kept at the Meeting House put the warrant on the Inside of the Meeting house door but having no Divine Worship there for the time to the best of his knowl- edge the warrant lay Conceald the whole time prefixed & farther saith not

Robert Spear

York ss Brunswick May 17th 1743 Robert Spear personally appeared & made Oath to the truth of the Above Deposition before me

John Minot J Peace

Deposition

The Deposition of James Dunning & David Dunning both of Brunswick in the County of York being both of full age, Testifyeth & saith that at a town meeting which was Called at the request of twelve of the freeholders of s^d town to Call the treasurer to account for the three years past, in which town Meeting, when he was required as affores^d he said he would not nor Could not give account of the year 1742

James Duning

David Duning

Brunswick May 17th 1743

York ss James Dunning & David Dunning personally appeared & made Oath to the above Deposition

before me John Minot J Peace

M^r Bradbury objects Against the word required

Answer to Petition of David Given.

To His Excellency William Shirley Esq^r Captain General and Governour in cheif the Honourable the Council and the Honourable House of Representatives of his Majesty's Province of the Massachusetts Bay in New England in General Court Assembled May 25th 1743

The Answer of Benjamin Larrabee Wymond Bradbury and Samuel Hinkley all of Brunswick in the County of York late Select men of the said Town to the Petition of David Given of Brunswick aforesaid in Behalf of himself and William Woodside James Dunning David Dunning Robert Spear and Robert Finney and many others Inhabitants of the Town of Brunswick preferred to this Honourable Court on the 18th day of April 1743 wherein they Complained of Irregular proceedings at the Town Meeting held at Brunswick on the 29th day of March last —

In which Petition the Complainant Set forth That in Stead of the Constables warning the Inhabitants of said Town as Usual he posted up said Notification on the Inner Side the Meeting house door So that there being no Divine Worship or other Publick Meeting at said Meeting house from the time of puting up s^d Notification of said Town Meeting very few of the Inhabitants of said Town had any Notice thereof —

To this we the respondents Say that it has been our Practice ever Since we have been a Town to warn Town Meetings by posting up Warrants (for that purpose) on the Meeting house door And as we have had Preaching every third Sabbath at the South east part of the Town ever since we have been a Town when we had a Minister we posted up another Warrant of the same Tenor and date of that at the Meeting house upon the door of that house where the people use to Meet in Order that the whole Town Might be fully Apprized of the said Annual Meeting and in so doing we Answered the end proposed for every person in Town Qualifyed to vote in Town Affairs was seasonably at Meeting except two or three whose private Affairs detained them —

It's Also Complain'd of in said Petition that on the 29th of March the said Select men being Also Assessors but not Under Oath as aforesaid Met at said Meeting house and before Choosing a Moderator took upon them to purge Said Town Meeting of Such persons as they pretended had no Right to Vote therein tho' as it can be made plainly to Appear to Your Excellency and honours that most of the persons whose votes they refused were well Qualified by Law to Vote in said Town Meeting and at the same time they Received and took the Votes of several persons no ways Intituled at said Town Meeting upon which Your Petitioner and his Constituents entred their Protest against the Proceedings, ~

To this we Answer that said Town Meeting was purged by

the List of said Town Lodged with the Town Clerk for that purpose for the Year 1742 and we are ready to make Oath (if need be) that the list is true According to the Estates the Inhabitants of said Town gave an accompt of and we further beg leave to Say that altho^o it be Suggested in said Petition or Complaint that Upon purging the Meeting they entred their Protest Against the proceedings of said Meeting, it's a Mistake for the Meeting went on peaceably till the Moderator Town Clerk the two of the Select Men were Chose and no body Objected Against the Legality of the Meeting till then,

We further observe that it is set forth in said Petition that Wymond Bradbury was Treasurer for said Town for the Year 1742 and has Considerable of the Town's Money in his hands and not Yet made up his Accompts with said Town for said Year and the Tax Money being in his hands for the Support of the Ministry of said Town and he Evadeing Accounting for the Same the Ministry of said Town Can't be provided for as Usual and the People are like to loose the benefit of the Same.

To this we Answer that, that Assertion cannot be true for that the said Treasurer laid his Accompts Before the Select men Cap^t John Minot and M^r David Duning being Chosen At a Meeting held the 28th of February last to joyne the Select men to Examine the aforesaid Accompts met for that purpose on the 7th day of March last It appeared that he had Received of the Constables but £106-9-4 and that he had paid of the Towns Debts £111-13-6 so that instead of his having Considerable of the Towns money in his hands he is in Advance for the Town £5-4-2 which plainly Appears by the Several Receipts which he produces. We further Observe in the Petition it's said The Town Meeting on said 29th March last being done by Contrivance as aforesaid your Petitioner humblys prays in behalf of himself and Constituants

that by the Orders of this Great and General Court the Town men of said Town of Brunswick may be Enabled to Call another Town Meeting for Electing Officers for the said Town for the present Year and as the Assessors for Said Town in the Year 1742 were not Under Oath According to Law that the Inhabitants of said Town may be Rated as by the Assessors under Oath in the Year 1741.—

To this we Answer there Could be no Contrivance in Warning that Meeting Unless it be in one of the Petitioners Constituants Robert Spear who being the Constable that posted up Said Notification on the inner side the Meeting house door without any Order for so doing from the Town Clerk And in as much as the Assessors for the Year 1742 in Making the Assessment for that Year have Acted Uprightly and truly without the least partiality in making the Taxes lay'd on the Inhabitants of the said Town of Brunswick and that According to their best Skill and Judgment, which they are ready to make Oath thereunto Altho^o they did not take the Assessors Oath for that Year two of them having been Sworn heretofore. And that Notwithstanding the Complainers Protest against the Illegallity of the said Town Meeting in March last Yet they Readily Joyned with the respondents in Choosing a person to Represent them in this Great and General Court which was a manifest Approbation of the proceedings at that Meeting And as the Complaint made by the said David Given and his abettors is in the Greatest part thereof A misrepresentation —

Therefore the Respondents Subscribers hereunto humbly pray Your Excellency and Honours the said petition or Complaint may be dismissed as Troublesome and Vexatious.

And Your Respondents as in duty bound shall ever pray

Benj^a Larrabee

Wymond Bradbury

Samⁿ Hinkley

Petition

To His Excellency William Shirley Esq^r Captain General
& Governour in Chief in and over His Majties Province
of the Massachusetts Bay. To the Hon^{ble} his Majesties
Council & House of Representatives in General Court
Assembled at Boston May 1743 —

Benjamin Larrabee Wymond Bradbury & Samuel Hinkley
Select Men and Assessors of the Town of Brunswick for the
Year 1742

Humbly Sheweth

That Brunswick was Erected into a Town January 1738
& that by order of the General Court Benjamin Larrabee a
Principal Inhabitant was ordered to warn the Inhabitants to
meet the first Monday of March following to Chuse Town
officers, which Warning he Made, was by puting up a Notifi-
cation upon the Meeting — House Dore, & the Town have
been in the same practice ever since. And in the year 1742.
They assessed upon the Inhabitants of Brunswick their
respective proportions of the Town, County & Province
Taxes and lookt upon themselves Obliged by their Oaths
taken the year before to Act faithfull & Impartially in what
they did But inasmuch as your Petitioners thro inadvertency
neglected taken the Oathes of assessors for the year 1742.
Sundry of the Inhabitants of the s^d Town Endeavour to over-
throw the Anual Meeting of the Town in March last, which
if they should so do, Your Petitioners apprehend it would put
the Inhabitants of s^d Town to very great Difficulty in Many
respects, perticularly the Taxe's which have been made and
Levied, Collected & Disposed off, by order of the Town,
would be Called in Question & unravelled & the Town put
to such Difficultys, that they could not Overcome them, in
this their Menorety, And in regard None of the Inhabitants
have suffred by your petition^{rs} neglect or inadvertence in not
renewing their Oaths, they acting in their proceedings as

faithfully as if they had been Sworn a New — Wherefore
 your Petition^{rs} Earnestly pray That the proceedings of your
 Petition^{rs}, in 1742 And also of the Town at the Town Meet-
 ing on the 29th of March last may be Confirmed and Estab-
 lished and Your Petition^{rs} (as in Duty bound) shall ever
 pray &c

Benj^s Larrabee

Wymond Bradbury

Sam^l Hinkley

Deposition.

Suffolk ss/

Boston 30th May 1743

David Duning Gentⁿ and Robert Spear Innholder both of
 Brunswick in the County of York of Lawfull Age Testifie
 and Say That They were Sworn Assessors for s^d Town of
 Brunswick for the Year 1741 and That M^r David Given and
 sev^l others were rated after the rate of Twenty pounds rata-
 ble Estate besides Their pole And the Assessors for the last
 Year did not rate said David Given and others so Much as
 they were rated in said Year 1741 Whereby the said David
 Given and sev^l others Were deprived of Voteing for Town
 Officers for said Town at the Annuall Meeting in March last
 and after said Meeting was over They increased the rate of
 said David Given, And The said Assessors rated severall and
 perticularly Wymond Bradbury who has no land in s^d Town
 and but One Cow (so high as to qualleyfie Them for Voters

David Duning

Robert Speer

Suffolk ss Boston May 30th 1743

David Duning & Robert Spear appearing made Oath to
 the truth of the above Declaration by them Subscribed

Jurat coram me Habijah Savage Just Pac

In Council June 2, 1743; Read again together with Answer of Benjamin Larrabee Esq^r & others, &

Ordered that George Leonard & Joseph Dwight Esq^{rs} with such as the Hon^{ble} House shall join be a Committee to consider this Petition & Answer, hear the Parties, & report what they judge proper for this Court to do thereon. Sent down for Concurrence. J Willard Sec^{ry}

In the House of Rep^{ves} June 2, 1743

Read and Concur'd and M^r Prout Col Miller and M^r Royal are Joyned in the affair

T. Cushing Spk^r

Memorandum

The Disadvantages y^e town of Brunswick is likely to sustain by y^e town Meeting being Confirm'd besides y^e Complaint in y^e Petition Arises Principaly from the behaviour of those persons Chosen as town Officers In y^e Last Anual Meeting, for Notwithstanding their being serv'd with A Copy of y^e Petition Laid in to y^e General Court and y^e Courts Order to Answer to it they proceeded Most Unjustly in A town meeting to Confirm former Acts of y^e town and to vote According to their Usual Method when More than A Majority of said Meeting Protested Against their Proceeding to Act at all at said Meeting and Against y^e Votes they passed from this and sundry other things too tedious to Mention and y^e Complaint Laid in Our Petition we Are perswaded that Nothing Less than the Acts Passed in y^e Anual Meeting with y^e Meeting it self being declar'd Unlawfull and y^e town Impow'rd to Proceed to a New Election of Officers as Pray'd for in Our Petition can set us on a Proper footing to Cary on our Affairs in time to Come

David Giveen

David Duning

June 4th 1743

Report. June 9, 1743.

The Comitee to whome was Referd the Petⁿ of David Given of Brunswick have attended that Busines and Heard the Parties and are of the Oppinion that the meeting of the Inhabitance of the toune of Brunswick on the twenty ninth day of March Last was not Legally warned nither were the assessors who tuck the valuation of sd toune by which they Regulatad the voters in s^d Meeting under oath. therefore the Comi^{tee} are of Oppinion that the said toune meeting with all the Proceedings thereon ought to be sett aside: and the select men of the said toune of Brunswick for the year 1742 ordered to Call another meeting of the Inhabitance of s^d toune of Brunswick to make choice of all toune officers which townes are obliged to make choice of Anually in the month of March and that they Regulate the voters in sd meeting by the Last valuation which was taken in s^d toune by assessors under oath all which Humbelly submited by order of the Comitee

June 19th 1743

George Leonard

In Council June 21. 1743; Read & Voted that this Report be accepted & that the Town Meeting at Brunswick held the 29th of March last with all the Proceedings thereon, be & hereby is set aside And the Select men of said Town for the year 1742 are hereby impowered & ordered to call an other Meeting of the Inhabitants as soon as may be for the Choice of such Town Officers as are annually to be chosen; the voters to be such as are qualified according to the List of Valuation made by the assessors under Oath Anno 1741; And that the Rates made by the Assessors Anno 1742 & the Proceedings in collecting & paying the same be held good & valid notwithstanding; Provided the said Assessors make

oath that the said List of Rates was made faithfully & according to their best skill & Judgment.

Sent down for Concurrence.

J Willard Secry

In the House of Rep^{ves} June 21. 1743

Read and Concur'd

T Cushing Spk^r

Consented to,

W Shirley

Letter N. Sparhawk to Sam^t Waldo Esq^r

Kittery July 21^o 1743

Dear Sir

A bo^t a fortnight ago one M^r Pratt deliver'd me y^r fav^r of the 30th March last from S^t Georges's the Contents of w^{ch} was chiefly to desire me to deliv^r the boat that was Elenwoods & which the Sheriff put in my Father Pepperells dock; to one Timothy Foye, first getting her mended &c Moreover I was desired to Assist s^d Foye in getting the Cables &c w^{ch} you Imagined Elenwood had concealed from the Sheriff, The letter herewith Pratt to me at the same time Open; ~ Since I have had a letter from M^r Henderson, desiring me to send the said boat p M^r Pratt. ~ Now if you desire me to fitt Out the boat According to yo^r Intention at that time, & will Signify it, & to whom y^o w^d have her deliv^d ~ & the Methods, you w^d Advise to for the recovery Of the Cables & Anchors from Elenwood, or who soever may have them; in case you think of any Other then y^o wrote Elenwood you would take, w^{ch} letter I have, I shall be glad to Serve y^o —if we fail of the Cables &c & you w^d have new ones, I know not but I could furnish them here, I am sorry y^o would not be so kind as to look on yo^r ffrinds at Kittery, as y^o passed twice lately; you were once ready to Assure me y^o w^d not fail us a Visit when y^o had so fair an Opp^o —

My regards Attend y^r family & I am D^r Sir Y^r Most Hum^l S^t

N Sparhawk

The Hon^{ble} Samuel Waldo Esq^r

Order relating to Towns not settled.

In the House of Rep^{tes} June 21, 1743

Whereas Sundry Grants of Townships lying in the Province of Main have at different times been made by this Court on Condition the said Townships should be Settled within a Limmited Time and the Term for Settling many of them is already Expired and the Present Proprietors neglect or refuses to perform the Conditions of their Grant —

It is therefore Ordered that M^r Butler and M^r Sole with such as the Hon^{ble} Board shall appoint be a Committee fully Authorized and Impowered at any Time after the first day of February 1744 to make Sale of all the Lands & Interest in said Townships of all or any of the Proprietors who on the said first day of February 1744 shall be delinquent and have failed of Performing the Conditions of their several or respective Grants or otherwise to Admit any other persons as Settlers upon such forfeited Grants on Terms of Speedy Settlement that so the good End and design of this Court in the first Grant of said Townships may be Effected.

The said Committee to be Accountable to this Court for their Proceedings herein.

Sent up for concurrence

T Cushing Spk^r

In Council, June 21, 1743

Read & Non Concur'd

J Willard Scēry

In Council June 22, 1743 On the Motion of the Hon^{ble} House the Board Voted a Reconsideration of the within Vote — And after Debate thereon

The Question was put Whether the Board Concur the afores^d Vote

Which pass'd in the Negative Unanimously.

Letter Hon. W^m Pepperell to Sam^l Waldo Esq July 25, 1743.

Honor^{ble} S^r

I beleive you have forgot that Sheriff Plaisted left aboat belonging to you in my Dock, I have directed my people to Secuer from going adrift, but if She is not graved in aShorte time, She will not be worth much, She has no Anchors nor cables & Scarce any riging, my best wishes attend your Selfe & family I am Your Very Hum^{ble} Serv^t

W^m Pepperell

Kittery July: 25th 1743

Petition of Inhab^{ts} of Mericaneag Neck.

Massathusets s, c /

To his Excellency William Sherrly Esq^r Captain Generall Commander in Chief in & over his Majesties Province of y^e Massathusets Bay in New - England and To y^e Honourable his Majesties Councill & house of Representatives in Generall Court Assembled September 8th 1743

The Petition of y^e Inhabitants of Mericaneag Neck & some Islands Adjacent in Casco Bay, in the Township of North-Yarmouth; humbly sheweth y^t we your Petitioners labour exceeding hard from one end of y^e year to y^e other, at cuting of wood, & notwithstand_all our hard labour we & our poor Families are often great Sufferers for want of y^e necessaries of life; haveing most of us little or nothing to Support our Families with but what comes from Boston to us; & y^t very dear y^e land is exceding hard to Clear & many of us are but lately sat down upon our Lots & but few of us are yet capable of paying for them; others of us have no land nor are yet capable of buying any, our Scituation is comodious for y^e fishery but our Indigent Circumstances will not allow us to

follow it, or make business of it; we doubt not but in a few years (if peace continues) we shall be a fruitfull branch of this our Province but at present our Circumstances calls for commiseration, because we cant raise our provision nor yet Hay for y^e Cattle; Another great difficulty we labour under is, y^t till of late we & our Families have been altogether depriv'd of y^e publick Worship of God; North-Yarmouth being about 30 Miles distant by land & about three Leagues by water, Brunswick about eight miles from some, & ten or twelve distant from many of us, & a Bay to Cross of about three quarters of a mile; So y^t unless we have preaching upon y^e Neck we can Seldom have any unless Some of us men travell for it more than a Sabbath days Journy & now y^t we & our poor Families may not be discouraged in our Labours to clear this good Land, nor look upon ourselves as excluded y^e Inheritance of y^e Lord & as it were abandon'd to Serve other Gods. ~

Our prayer is that this great & Generall Court would take our Indigent Circumstances into your wise Consideration & in your great Charity & goodness will please to exempt us from paying any publick Taxes for some time & in y^e meantime will allow us out of y^e publick Treasury, money for Supporting our Minister & building for us a Small House to worship in

& we your Humble petitioners as in duty bound will ever pray

| | | |
|---------------------------------|---------------------------------------|---------------------------|
| John Storer | Joshua ^{his} X Crumwell | John Otis |
| W [sic] | Nathaniel ^{mark his} < Barns | Edward Ward Jun |
| Abiel Sprague | Edwd ^{mark} Quinigham | Sam ^l Winchell |
| Job Moulton | Richard ^{his} X Hays | Eb ^r Humphry |
| William ^{his} X Magrah | George ^{mark} Beckmore | John Phelan |
| Thomas ^{mark} McGregor | Joshua Lincoln | John Winchell |

| | | |
|---------------------------------------|---------------------------------|--|
| William ^{his} W Black | William Tarr | William ^{his} W Black Ju ^r |
| John ^{his mark} × Hamond | Richard Jaques | Robert ^{mark} Watts |
| Patrick ^{mark his} Λ Whaline | Elisha Allen | Francis ^{his} × Carman |
| John Mathews | William ^{his} × McNees | Jacob ^{mark} Graffam |

In the House of Rep^{ves} Sep^r 10. 1743 Read and Ordered
that the Pet^s serve the Towns of North Yarmouth and Bruns-
wick with copys of this Petⁿ that they shew cause if any
they have on the first tuesday of the next sitting of this
Court why the Prayer thereof should not be granted

Sent up for concurrence

T Cushing Spk^r

In Council September 10. 1743 Read & Concur'd

J Willard Sec^{ry}

Consented to

W Shirley

Letter John Murphy to Sam^l Waldo Esq.

Arundel September y^e 27th 1743

S^r these Lines are with my Harty Love and Servise to your
Honour hoping that they may fiend your Honour and all
yours In Good health as I am at P^resent thanks be to God
S^r the under taker of all our Mischief by Name m^r frost has
Got a writ for Cap^t Bangs and my self but they had not the
happyness to Get it Served for this Cort sent by m^r Noah
Emery to s^d frost I have been Down amongst them no Less
than three times since your Honour Come from thence once
my Bridle was Stole of my Horses head and Gone Clean and
all Look upon me with an Evil Eye but Dam them all I care
for none of them. S^r I have sent that Note Your Honour
Gave me by the Bearer of the Letter by Name James Deshon
and would be Hartily Glad if your Honour Could Send me
the money at this time for I have Ingaged money and I stand

in Greate Need of it S^r no more at Present but I am Ready
to Serve your Honour by Night or by day and also I
Remaine your Humble Servant to Command

John Murphy

[Superscribed]

To Samuel Waldo Esq^r in Boston

p^r M^r James Deshon

Letter Gov. Shirley to Colonels

Sir

Having rec^d Advices from Great Britain that there is
great danger of a Rupture with France, I think it necessary
and accordingly direct you forthwith to advertize the exposed
Towns & Settlements within your Regiment hereof, & to take
proper Care that the Inhabitants secure them selves &
families against any Sudden Assault from the Indians, & that
they do not expose them selves by being too far from home
in this time of Danger & that the Companies in your
Regiment that are not much exposed be in readiness to
relieve any of the neighbouring Places in case there sh^d be
occasion for it.

| | | |
|---|--------------------------|------------------------|
| Col ^o Jn ^o Stoddard | Sam ^l Willard | Eleazer Tyng |
| Rich ^d Saltonstall | Col ^o Pepp | Col ^o Noble |

Letter John Gaines to Sam^l Waldo Esq

Ipswich Novem^r 11th 1743

M^r Waldo Sir I have Sent you by M^r Start Eight Barrils of
Syder and one tub of butter and would pray you to Send up
your tubs for your pork fatt and butter in the Vessell as also

a bushel and halfe or 2 bushels of Salt for I Canot gitt any
 hear with my Service to you I Rest Sir Your most Hum^{bl}
 Serv^t John Gaines

*Letters Col^s Pepperell Moulton & Waldo to Gov Shirley
 Dec. 9, 1743.*

May it Please Yo^r Excell^y

In Obedience to Yo^r Excellencys Comānds to
 us directed, We have consider'd of the most proper Persons
 to Comānd four severall Companys within the County of
 Yorke of Fifty Men each to be furnished with Arms,
 Ammunition, Snow Shoes, Moggosons & Hatchetts to be
 ready to march for the Imediate Defence & relief of any
 Place that may be assaulted by an Enemy, and for pursuing,
 & destroying such Enemy.

And We begg Leave to recomend to Yo^r Excell^y the Per-
 sons undermentioned as proper Officers to Comand such
 Companys, & to Inform Yo^r Excell^y that their respective
 Residences are so situated as to be most likely to answer the
 ends of their Appointment.

| | | |
|---|-------------------|---|
| John Harman of Yorke | Captain | } |
| | Lieu ^t | |
| | Ensign | |
| Cap ^t Dominicus Jordan of Falmouth | Cap ^t | |
| M ^r George Berry of D ^o | Lieu ^t | |
| <u>M^r</u> [sic] | Ensign | |
| Cap ^t Patrick Drumond of Georgetown | Cap ^t | |
| <u>M^r</u> [sic] | Lieu ^t | |
| <u>M^r</u> [sic] | Ensign | |
| Cap ^t John Lane of St Georges | Captain | |
| M ^r Tho ^s Kirkpatrick of D ^o | Lieu ^t | |
| M ^r Benj ^a Burton of D ^o | Ensign | |

We have not may it Please Yo^r Excell^y been able to determine upon suitable Persons, for the vacant Posts in the above four Companys, but if its not Yo^r Excellencys pleasure to Lett the Captains recomend them we will as soon as may be give Yo^r Excell^y such furthur Information as may appear to us most consistant with yo^r Excell^ys pleasure & His Majestys Service. We are with all possible Respect Yo^r Excellencys Most Duty full Serv^{ts}
 Scarborô 9th Dec^r 1743

W^m Pepperrell Jer: Moulton S^a Waldo

*Petition of W^m Vaughan & others inhabitants & residents at
 "Damriscotty."*

To His Excellency William Sherley Esq^r Gov^r and
 Commander in Cheif in and over his Maj^{ties} Province
 of the Massachusetts Bay —

To the Hon^{le} Councill and Hon^{le} House of Repre-
 sentatives In Gen^l Court Assembled —

The Petition of William Vaughan of Damriscotty in the
 County of York and Province aforesaid Gent: and Sundry
 others Inhabitants and Residents at said Damriscotty and
 subscribers hereunto
 Humbly Sheweth

That for Twelve years past unto the present day they
 have Many of them liv'd at said place and some a Shorter
 time and have for great part of the time been destitute of a
 Gospel Preacher amongst them They desire also to represent
 with proper submission to the Gen^l Court the Unpleas-
 antness of living in want of Order and due Regularity
 amongst them. Wherefore primarily and principally with a
 View to the Glory of God — and with a view of having the
 Gospel preached and good order and quiet Amongst them
 and that they might have it in their power to act consistent

with the Rules of Government They pray the favour of Your Excellency and of this great and Honoured Court that a Law may be made incorporating them into a Township by the following Bounds viz.,

Begining Southward on Damriscotty River at a Noted Place called the Ledge of Rocks; from thence extending Northward ten Miles Bounded westward by a line Runing North North East of an equal Distance between said Damriscotty River and Sheepscutt River. The Measurement to be half way between the Salt-water falls of Each River the Distance between said Rivers being about four Miles — Bounded Easterly by Pemaquid freshet River and Ponds of said extent and lying about three Miles East of Damriscotty River. Or however Your Excellency and Honours in Your great Wisdom shall think proper and your Petitioners as in Duty bound shall ever Pray

Damriscotty January 25th 1743

| | | |
|----------------------------------|-----------------|----------------------------|
| W ^m Vaughan | Bray Dearing | John Bradford |
| John Campbell | Josies Clark | Will Gloss |
| Donnel M ^{tr} Moill | William Mathews | Nath ^l Winslow |
| Nathaniel Winslow J ^r | John Richart | John pormon |
| James Longly | John Gray | John hiscok |
| James Rivis | Denis Downing | Anthony Still |
| David Condon | Ichabod Linscot | Cornilus Jones |
| Kenelm Winslow | David Ring | David Ring Ju ^r |
| William Racklif | | |

In the House of Rep^{ves} March 1, 1743

Read and Ordered that the Pet^s insert the Substance of this Petition in the Boston Gazette with this Order thereon
 A three Weeks successively that so all Persons interested or concerned therein may give answer thereto if they see cause the second Wednesday in May next to which time this Petⁿ is refer'd. Sent up for concurrence.

A six

T Cushing Spk^r

In Council March 2^d 1743.

Read & Concur'd with the Amendm^t at A Sent down
for Concurrence J Willard Seery

In the House of Rep^{ves} March 3, 1743

Read and Concur'd Att^r Roland Cotton Cler. Dom. Rep
Consented to W. Shirley

York ss / To the freeholders and other Inhabitants of
the Town of Brunswick Qualified to Vote in Town affairs –
Greeting These are therefore in His Majestys name to
Notify and warn you to assemble togeather at the meeting
house in Brunswick afor s^d on tuesday the 29th Instant at
ten of the Clock in the fore Noon to Chuse Town officers as
the Law Directs to Serve Said Town in there several offices
the Ensuing Year and also to Consider whether it will be
best to hire the Consables or Choose them as Usual

Brunswick March 12th 1742/3

By order of Selectmen

Wymond Bradbury Town Cleark

A true Copy Examined p Benj^a Larrabee T C

North Yarmouth.

In the House of Rep^{ves} March 13 1743 Voted that the
sum of One hundred pounds be allowed to be paid out of the
publick Treasury and put into the hands of the Select Men
and the Officers of the Militia within the Town of North
Yarmth the sum of One hundred pounds to be applyed in
such Manner, as may be most for the defence of the Inhabi-
tants of that Town, according to such Directions as they

shall receive from the Captain General, They to be accountable for the said Sum.

Sent up for concurrence

Att^r Roland Cotton Cler. Dom. Rep.

In Council March 13. 1743 Read & Concur'd

J Willard Sec^y

Consented to,

W Shirley

Copy of Record.

At An Annunal Town Meeting held in Brunswick upon Tuesday the Twenty ninth Day of March 1743 the following Persons were Chosen officers to Serve the Town of Brunswick aforesaid in their Respective offices the ensuing year viz

Benj^a Larrabee Town Clark

mr Isaac Snow

mr Samuel Hinckley

mr Wymond Bradbury

} Select men

Voted that the Constables have fifteen pounds old tenor each for Collecting the Rates this year ensuing and they to make up with the Select men for y^e same

Ebenezer Stanward

Samuel Hinckley Jun^r

} Constables

Aaron Hinckley

Robert Smart

} Surveyors of High ways

Tho^s Skofield

Shubal Hinckley

} Tything men

John Whitney

Ebenezer Stanward

} fence Viewers

Sam^l Whitney

John Smart

} hog Constables

A true Copy taken out of Brunswick Town Book Examined p Benj^a Larrabee T. Clerk

Protest.

Cap^t William Woodside m^r James Duning m^r Robert finny
m^r Robert Spear m^r David Duning m^r David Giveen & m^r
Sam^l Clarke have entered their Protest against the annual
Town meeting held at Brunswick upon the 29th Day of
March 1743 —

A true Copy taken out of the Brunswick Town Book
Examined

p Benj Larrabee T Clerke

Letter Gov. Shirley to Col. Noble June 5, 1744.

S^r

You are hereby directed to receive from the Several
Colonels of the Regim^{ts} of Militia the follow^g Detachm^{ts} of
Soldiers and to post them at the Garrison hereafter mentioned
viz^t From Col^o Phips Fifty From Col^o Plaisted fifty & from
Col^o Berry five, with twenty five by Virtue of my Warrant
of the third Instant, to be enlisted or impress'd within
your District of the County of York which you are to post
as follows, Viz^t

| | Men | | |
|--|-----|----|----|
| At Capt Woodsides Garrison at Maquoit | 4 | | |
| At Topsham | 6 | | |
| At George Town | 10 | | |
| At Witchcasset | 10 | | |
| At Sheepscot | 10 | | |
| At Capt Vaughans at Walpole | 5 | | |
| at at Capt Larmous at D ^o | 5 | 10 | 50 |
| At Madomock & Broad Bay viz. | | | |
| At Martins at the Falls | 10 | | |
| At y ^e new Block House on y ^e River } being the Duch Church } | 10 | | |
| At M ^r Zuberbuhlers Garrison | 10 | | |
| At Capt Lanes at the Point of Broad bay | 10 | 40 | |

| | | |
|---|---|----|
| At S ^t Georges River to be proportioned to the | } | 40 |
| Several Garrisons between the Falls & | | |
| pleas ^t Point and to the Block House by | | |
| the Lime Kilns and the Garrison at the Mills | | |

I have appointed Captains over the two East Companies who I would have to Scout thro^t the two Settlem^{ts} over which they are appointed a guard at least once a Week.

Letter Gov. Shirley to Col. Pepperell & Col. Waldo 1744.

Sir

The General Court having Voted Subsistence for Two Hundred Soldiers only of the Five hundred first raised for the Defence of the Frontiers whose Establishm^t for Subsist^{ce} ends the 29th Instant I have determined that the remaining Three hundred should be forth dismiss'd from the Service, & accordingly order that you do immediately discharge One hundred & one Men from those Places that are within your District in such proportion as you will find in the Schedule herewith inclosed ;

| | | |
|---------------|---|---|
| Coll Noble | { | The Men to be dismiss'd by you must be out of the Inhabitants which are now retained in the Service ; |
| | | The rest of the Inhabitants which will be continued upon Pay in those Places must be of such as are most likely to be serviceable & will most need this Encouragement to continue upon their Settlem ^{ts} A proper Proportion of Officers must be discharged |

What men may be wanting of your first Complet^t must be reckoned among those that are to be dismiss^d.

Let no time be lost in this Affair.

*Extract from Letter of M^r Kilby, Agent, to Gov. Shirley*Extract from M^r Kilby's Letter to his Exc^y

I have been able to say so much respecting the Fort, of our having extended our Frontier & built & maintained other Forts, that I don't apprehend much if any Difficulty remains in clearing our Way of that Impedim^t But that other of pay^s the £550 Sterling as the Grant was absolutely upon that Condition, the Arms rec^d under the Force of it, & a Receipt given at the Tower in Consequence thereof is such an unsurmountable Obstacle that I don't see any possible Way of getting the better of it, But if there ever have been Reasons given to excuse the Province, I earnestly wish they may be collected from the Records, that if there be any Weight in them they may be improved, & if not I confess I shall be of their Lordships Opinion that it ought to be deem'd a just Debt as thô it had been contracted between two private Individuals — Lord Harrington in particular & Many of the other Lords of the Council are very sensible of the Risque of neglecting this Affair, till Answers can be had from Boston, & I own I could not avoid Saying to his Lordship upon finding that Objection was not to be got over by Possibility that I had a strong Inclination to back the Petition by a Memorial subjecting my self to the Paym^t of the £550 when the Cannon were sent, & indeed I have no other Objection to it, than fears that the Province May have sent Excuses they thought available, & by finding them, tho' I am entirely ignorant thereof, my Conduct may be censured.

J^o Oulton to Gov. Shirley, Aug. 8, 1744.

May it Please y^r Excellency. /

Sir

I did not give y^r last Letters a pticular answer having a Dependance On y^e Gentlemen Commission^{rs} y^t waited on y^e Dellegates, leting y^r Exc^y know my Conduct therein. I hope

they Returned wth an agreeable Conclusion of y^t affair wth y^e Indians. The small Number y^{ts} here seems to be very well Satisfied wth whats agreed On. But I know not what may be expected from Canada, by those Indians y^t Carried y^r Lett^r th^{re} their Return being about Six weeks, last past, expected every day & yet no News of them, as y^e Indians tells me: it looks a little Dark, & what will be y^e Issues of Such a delay I know not.

If any Indians belonging to Canada or to y^e French, comes here wth our Indians, shall they be used as friends, or as Enemies, y^t Comes as Spies? I am Sorry The Gen^l Court Delays y^r Giving a Grant for y^e finishing of y^e Works of this Fort (y^t Stands Next to Castle William in their Acts) Agreeable to what I praid for, when I last waited on y^r Exc^y about 12 mo^{ths} agone.

Soon after I heard of a French War I began to Dig a Well & have had good Success therein, by blowing & burning y^e Rocks, (y^t others before me was discouraged at) & have water enough, w^{ch} gives us no small encouragm^t in Case of an Attack, this I do not expect, except y^e French over Comes y^e Indians, wth their way of Reasoning, & by y^r engaging them to joyn wth em, in their Actions against us. If these 2 Powers Comes together, we shall have more than enough to Stand them, Except we are more fully Supplied wth Men, Ammunition & Stores. In a few lines to my good friend M^r Sam^l Waldo, I have beg'd him to pray y^r Exc^y to give me leave to wait on you at Boston, y^r goodness therin I doubt not of. I send this p my son John, who will wait on you, he's to Return p y^e Sloop he goes in, so y^t I hope he will be here again in 10 or 12 days, wth y^r farther Comands (if y^e Publick affairs requires it) to

Y^r Excellencys Most Duty full & Most Obliged Humble
Serv^t J^o Oulton

Richmond Fort Aug^t 8th 1744.

y^e 8th Afternoon. Sir just now I am Inform^d y^t two of y^e Indians y^t Carried y^r Letter to Canada, is Returnd to Naridgawalk y^t they say theres no news there, only y^t its a Sickly time wth them, haveing y^e Smal Pox. Y^{rs} as afors^d J O.

Letter Col. John Bradstreet to Gov. Shirley Aug. 14, 1744.

May it Please Your Excellency

As I was sent from Louisburg by the Gov^{er} of that place to bring a number of English prisoners which the flag of Truce was not able to transport here; & w^{ch} I undertook with a View to Sarve the poor prisoners as to secure my Own Effects and my Brother Officers, by bringing them here; which prisoners I was orderd to leave here taking Your Excellency Rec^t for the same or Other prisoners in their room if any here; Some of which I oblig'd my self to return or others in there room, which I expected would be able to Carry the Vessell back againe, & as they have ben delivered here & I now find my self without Sailours suffishent to Navigate the Vessell back againe which I am Oblig'd to doe by my Perole of honour, & the prisoners that are to be deliver'd to me to be return'd are not Suffishent for that purpose, & I hope Your Excellency will give me leave to ship two hands on board said Vessell as English Marinours, which two men I shall Return as soon as possible, which will greatly Oblige Your Excellency's Most Obed^t & most hum: Serv^t

Jn^o Bradstreet

Boston Aug^t 14. 1744

To His Excellency Will^m Sherley Esq^r

William Pepperrell to the Duke of Newcastle.

My Lord Duke

Tho upon my first takeing the Command of the new England Troops upon this Expedition I had no other vew then

y^t of serving my Country, yet as I believe your Grace will think it necessary to Establish a strong Garrison of regular Troops here and that some of the Regiments upon this Expedition bee Established in the Kings pay, I beg y^e Command of my own Regiment & that his majesty would be graciously Pleased to apoint Coll^o Broadstreet who was the first Projector of the Expedition and who has distinguish'd himself upon all occasions to be my Lieu^t Coll^o and as my Private affairs will call me to new England shoud his majesty be pleased to gratify me. I must beg his leave to be there when my absence from my Regiment and the Kings Service can be dispensed with. I beg leave to assure your grace nothing woud have Contributed more to the success of his majestys army then the command of the Squadron being given to a gentleman of Comadore Warrens distinguished Character, he is of such a disposition as makes him greatly beloved by the People in new-England, and in the Colonys in General, and is highly worthy of the Trust reposed in him & of his majestys favours.

I am with the greatest respect My Lord Duke

Your Graces most Obedient and most humble Serv^t

Lewisburg the 19th June 1745

William Pepperrell

To his Grace the Duke of Newcastle.

William Pepperrell to the Duke of Newcastle.

My Lord Duke

I have already had the Honour to transmit to your Grace, in Conjunction with Commodore Warren, an Account of the Success of his Majesty's Arms, in the Reduction of Louisburg, and Territories adjacent, to his Majesty's Obedience; which was happily effected on the sixteenth Instant, by an Army of his Majesty's New England Subjects, whom I have

the Honour to be at the Head of, assisted, on the Sea Side, by a Squadron of his Majesty's Ships under the Command of Mr. Warren, said Fortresses & Territories being Surrendered, on Terms of Capitulation, of which a Copy was forwarded to your Grace, with our Letter, and Duplicate is herewith inclosed. On the 17th Instant his Majesty's Ships entered the Harbour, and the same Day part of the Troops with my self, marched into the City, since which have used the utmost Diligence, in making the proper Dispositions, for the Security and good Regulation of the place, and the Speedy Evacuation of it, agreeable to the Terms of Capitulation. I have now the Honour to inclose to your Grace, an Account of what Troops were raised in each of his Majesty's Governments in New England, which were aiding in this Expedition and the present State of them. And I flatter myself his Majesty will be graciously pleased to approve of their Zeal, in voluntarily engaging in so expensive, and hazardous an Enterprize even before they had Notice of any other Naval force than the private Vessels of War, fitted out by themselves, and I humbly beg your Grace's leave to say, that I should not do my fellow Soldiers justice, if I omitted this opportunity to assure your Grace that they have with the utmost chearfullness endured almost incredible Hardships, not only those necessarily incident to a Camp, in such an inclement Climate, where their Lodging and accommodations could not be but of the poorest Sort, but also in landing and transporting with infinite Industry and Pains, our heavy Artillery (some of which were 42^{lb} Cannon) several Miles, in cold foggy Nights, over almost impassible Bogs, Morasses, and rocky Hills; also in landing the Warlike Stores and Provisions, in doing which they were extreamly exposed, and, at the same time, We were obliged to keep out large Detachments to range the Woods, in order to intercept and disperse parties of the French and Indian Enemy, who were gathering

together behind us, with whom we had several Skirmishes, in all which we routed the Enemy, killed and wounded many of them, and took above two hundred prisoners. Several Sallies were also made from the Garrison, in all which we repulsed the Enemy with very little Loss on our Side; and we have been so happy, through God's Goodness, as not to lose above One hundred Men, by the Enemy in the whole of this great Enterprize. They held out against a close Siege of forty nine Days, during which time, We raised five fascine Batteries, from whence, and a large Battery deserted by the Enemy on our landing, We gave them above Nine thousand Cannon Balls, and about Six hundred Bombs, which greatly distressed them, and much damaged their Fortifications; and in particular rendered useless the most considerable Battery of the Town (called the Circular Battery) which mounted Sixteen large Cannon, and very much commanded the Harbour. The Fatigue of our Men in all these Services was so great, that We had near fifteen hundred sick at a Time; notwithstanding all which they not only continued to express the greatest Zeal to go on Vigorously against the Enemy, but in general, generously acquiesced in the Loss of the Plunder they expected from the Riches of the City: and though undisciplin'd Troops, I'm persuaded his Majesty has not in his Dominions, a Number of Subjects more universally Loyal, or that could possibly express greater Readiness to spend their Lives in the Cause they were embarked in, for His Majesty's Honour, and the good of their Country. I esteem it a peculiar Favour, and of the happiest Consequence that His Majesty's Ships sent so timely to our assistance, were under the Command of a Gentleman of such distinguished Merit, and so universally beloved in New England, as Commodore Warren. he has constantly exerted himself to give the Army all possible Assistance; and the Same Day that a Suspension of Hostilities was desired by the Enemy,

We had determined upon a general Assault by Land and Sea, and for the better Manning the Ships for that purpose, it was agreed to spare them Six hundred Men out of our Troops. I have the Honour, also, to inform your Grace, that in our Way from New England, We stopt at Canso, and began to rebuild the Fortification there, which the French destroyed last Year, and left light Cannon with the necessary Stores, and Eighty Men of the Troops, to compleat and defend the Same; which hope will meet with His Majesty's Gracious approbation. We have also destroyed the Town and Fort of St. Peters, and Several other considerable Settlements upon this Island; and may the happy Success of this Expedition against Louisbourg (The pride of the French) whereby His Majesty has the Key of the great River St^e Lawrence, and by which the absolute Command of the Fishery, and indeed very much of the whole Trade of North America is secured to His Majesty's Subjects, be a happy prelude to the Reduction of all the French Settlements in America, in which will your Grace permit me to Say I am confident, His Majesty's New English Subjects will at all Times be ready to contribute their utmost assistance, as far as their Circumstances will admit of, and His Majesty's great Goodness leaves no room to doubt but that he will be graciously pleased to express his Royal Favour toward those who engaged in this Expedition, in Such Manner as will animate them, and their Country to proceed further, with the greatest Chearfulness. I must not omit to acquaint your Grace that the French in Conjunction with the Indian Enemy, had prepared to besiege the Garrison of Annapolis Royal; this Summer Seven or eight hundred of them having gathered together there expecting as 'tis said, an Armament from France to join them; but were called off from thence to the Relief of Louisbourg, but did not arrive in Season. It appears that there were notwithstanding, about Two thousand Men

able to bear Arms in the City when it was Surrendred. I have now the Honour to inclose, also, to your Grace an Account of the State of this Fortress, and of the Stores found here; and beg your Grace's Leave to mention that the Inclemency of this Climate will render it absolutely necessary that particular Care be taken for the warm Cloathing and Lodging of the Troops posted here. I presume His Majesty will be pleased forthwith to make known His Royal pleasure relating to this Important Place, till which Time I shall endeavour, with the utmost Loyalty, and my best Discretion to promote the Security and good Regulation thereof, and beg Leave to Subscribe myself with all possible Duty and Respect

May it please your Grace, Your Grace's most Obedient and most humble Servant

William Pepperrell

Louisbourg June 28th 1745

William Pepperrell to the Duke of Newcastle.

My Lord Duke

Duplicate

I beg Leave to trouble yo^r Grace to request yo^r favour in my behalf to His Majesty that if my Services in y^e Expedition against this place have merit'd His Majestys Gracious Notice I may obtain His Royal Commission for y^e Governm^t hereof w^{ch} hon^r should His Majesty condescend to grant me I shall at all times Use my utmost Endeavors for y^e defence & good regulation of it and I humbly conceive it might be of Service to y^e Settlement of this Island if I might have Leave to repair to New England when His Majestys Service would allow of it

Your Graces favour herein will Lay the highest Obligation on

Yo^r Graces Most Obed^t & Most Hum^{ble} Serv^t

Louisbourg July 30th 1745

William Pepperrell

*Letter Cap^t Rob^t Rutherford to Josiah Willard*St Georges Sep^t 8th 1745S^r

Y^r universal and Established character, viz, a pure patriot of the civil & religious rights & Interests of y^e Country gained & maintained with aprobation, tho' various periods of time, & vicissitudes of providence turned the Eyes of the subscribers of the adress that comes herewith by Cap^t Saunders to his Excell^y & hon^{ble} Council & therefore Importuned me, In their name to, y^r hon^{rs} concurrence, assistance & Interest in promoting & securing to us, one of the two petitions contained in the Adress: viz. Either Cap^t Bradbury's Continuation in his p^{re}sent post of Command in this fort: Which is y^e unanimous desire of officers, soldiers, & adjacent Inhabit^{ts} in these present settlem^{ts}, as apears by their voluntary subscriptions, to which a double number might been added, had not the first motion been the Act of a few, a secret unknown to Cap^t Bradbury himself, and so y^e M [sic] Acted more secretly, and now are prevented by Cap^t Saunders Arival whom all designed as their Messenger and trusty Agent at Court.

But if this petition to our great loss and sorrow, should drop, by Cap^t Bradburys declining, or resigning his present Command: The second petition or prayer in y^e Adress is of Considerable Importance, and great Consequence to us & Equally deserves & requires y^r Hon^{rs} particuler regard & assistance: viz That his Excell^{cy} and hon^{rs} may promote to that post a person whose Military Endowments & Experience, may be Adorned with the principles and practice of true revealed Religion And godliness, which are not inconsistent qualifications: tho the latter is often overlookd if not neglected in the choice & promotion of officers, which go's more & oftner by affection & Interest; than proper qualifi-

cations & Just desert, to the grate disappointm^t of the State, and disgrace of Religion.

The Press is pressed, and the pulpits ring, with the Just Complaints, of y^e decay of Religion and vile degeneracy from the pure and piouss principles of Ancesstors: Among y^e many jued causes of this growing grievouss & dangerouss defection: I have often wondard that, [the] ill prīples of many officers with their Influence upon their pupills, have passed unobserved; Which to me appears a prolifick cause of Arminianism, the side wind which brīgs into our harbours, the self pleasing Comodities and traffick of Diesm and libertinesm w^h are paint in vitē a religionē Militerī, to cover the Coarse Canvass of Athism from the eye and cognisance of civil law, but this paint proves too thinn to cover from Judgeicouss eyes, the lurking serpt full of catching and deadly poison.

This observation I humbly submit to y^r Hon^{rs} deeper penetration, with this remark, that the scripture Aphorism, like priest like people, is Equally true if thus Apply^d, Like Cap^t like soldiers: And as many of _ youth of N: England, in the respective forts & service of the province happen to fall under such officer-tutors; they too fondly Imbibe, in that state & day of youth the deadly poison, and spreads it in the respective townships on their return.

If Cap^t Bradbury should resign, many will use their Interest & succeed him, & tho' there may be some expectants here, yet there are none, I could in Conscience, recomend and therefore must y^e care & Interest in such nomination and promotion with which concludes Y^r Hon^{rs} Most Obed^t Humble Serv^t

Rob^t Ruth^eford

[Superscribed]

To the Hon^{ble} Josias Willard Esq^r Secret^r

to his Excell^{ce} the Gov^r At his house in Boston

p Cap^t Saunders

Sir William Pepperrell to the Duke of Newcastle.

My Lord Duke

A copy

I have the Honour of your Grace's Favour of the 10th of August by the Shirley Galley, w^{ch} came to hand the 23rd of Sept^r — I beg leave to assure your Grace that it gives me the highest pleasure to find thereby that the News of the Reduction of Louisbourg and the Territory thereto belonging was received with so much Satisfaction by his Majesty, and their Excellencies the Lords Justices, and that they have done me the Honour to signifie their Approbation of my best Endeavours for the Service of my Royal Masters Interest, and the Good of my Country, in this Enterprize, and I would beg Leave especially with the utmost gratitude to acknowledge and render my most humble Thanks to his Majesty for his Royal Favour in the great and unexpected Dignity he has been graciously pleas'd to conferr on my Family by creating me a Baronet of Great Brittain (for your Grace's Congratulations thereon I beg sincerely to thank you) I hope I shall always be ready to express a just Sence of his Majesty's Royal Goodness to me therein, by improving all Opportunities in my power to cultivate and confirm in the Hearts of all his Majesty's New English Subjects those Principles of Loyalty and Attachment to his Royal Family which are already so universally embraced by them and by exerting my self on all occasions for the Honour of his Majesty's Arms.

It is also peculiarly gratefull to me to find that his Majesty has been graciously pleas'd to express his Royal Approbation of the officers and Soldiers engaged with me in the Expedition against this place; and I esteem it very happy that such speedy Measures are concerting for the effectual Support and Encouragement of this Acquisition, as appears by the Troops and Stores ordered here, mentioned in your Graces Letter, and by the other particulars which M^r Warren and my self took the Liberty to recommend, being under Consideration &

intended to be determin'd upon without Loss of Time and it was with pleasure that I received your Grace's Information that the Government of this place is given to a Gentleman so qualified & dispos'd to promote the Welfare and prosperity of it as M^r Warren, and that the good Agreement which hitherto has and I'm persuaded always will subsist between us is so acceptable to his Majesty and their Excellencies: and as nothing induced me to engage at first in this Enterprize but the Honour of his Majesty's Arms and the Good of my Country, I determin'd possitively not to let any punctilio's of Ceremony with the Chief commanding Sea Officer in Regard of Precedency or Superiority in Command prejudice his Majesty's Service, as has been the Case in several Expeditions; and I shall with Satisfaction leave this place under his protection as soon as his Commission and the Troops necessary for the Security of it shall arrive here. Your Grace will be informd by him of the Capture of a rich South Sea Ship, Two East India Ships, and several other valuable prizes that were taken in sight of the Troops some Weeks after we had possession of this Fortress, and which they think it will be a Hardship for them not to share in, whilst it will be so great a Reward to the Sea Officers and Saylor's. Your Grace's Directions in Respect of the Drafts and Accounts for the Repairs and other necessary Charges here will be carefully regarded, also that, no Opportunity be omitted of cultivating a good Agreement with the Indians now in the Interest of the French: And I beg leave to assure your Grace that I shall continue my best Endeavours whilst there, in Conjunction with M^r Warren (and also with Governour Shirley) to promote the good Settlement and Security of this Conquest which we have been so happy as to be instrumental in gaining to his Majesty at this critical juncture: and I beg leave to observe to your Grace that it is with the greatest Justice to Governour Shirley that their Excellencies are pleas'd to

express their Assurance of his hearty Concurrence and Assistance herein : His great Zeal, intire good Conduct, and inexpressible Application in forming and carrying into Execution the Expedition against this place must be in some Measure known to his Majesty, and needs not my mention of it at this Time, which otherwise I could not omit. I had Opportunity immediately to deliver to him here the Packets inclosed for him in your Grace's to me; he having been at Louisbourg for some time past, in order to contribute his and the Massachusetts province's best assistance in regard to the Measures necessary to be taken for the Support of this place; and as he will by this Opportunity transmit to your Grace a particular Account of affairs here, I need not trouble you with a Repetition of them; only beg Leave further to observe to your Grace that when Gov^r Shirley first proposed it to me to take the Command of the Troops raised for this Expedition I declin'd it upon Account of the Circumstances of my Family and Business which I thought were such as would not admit of my leaving them; and that it was by his Importunity that I was prevail'd upon to take the Command of them, he urging as a Reason therefor that the Expedition would not go on without himself or I should go at the Head of it, and that if he was to go, (besides his Doubt whether he could possibly justify his leaving his Government without special Leave from his Majesty) this Expedition might not be properly Supported from New England in his absence; and since the Reduction of this place he has desired me to remain here untill it is effectually secured by his Majesty, but hope I shall have Liberty to visit my Family very soon.

I am with all possible Esteem & Regard

May it please your Grace

Your Grace's most obedient and most humble Servant

William Pepperrell

Louisbourg Oct^r 3^d 1745

Letter Gen^l Court to S^r W^m Pepperrell

Province of the
Massachusetts Bay

Boston Dec^r 24. 1745

Sir

As his Excellency's wise Choice and Appointment of you to the Chief Command of the Land Forces, on his first forming the Design to reduce Cape Breton, gave us great Satisfaction and hopes, so your brave and successful Execution of this important Trust, has given us the highest Joy and Pleasure: And we do with the greatest Sincerity Congratulate you on the Approbation and favour your great and good Services met with from Our most gracious Sovereign, by his creating you a Baronet of Great Britain, an Honour never before conferred on a Native of New England, and we heartily rejoice, that as a farther Assurance of his Majestys Satisfaction in your Conduct, Courage and Fidelity, His Majesty has Appointed you Colonel of a Regiment designed for the Preservation of the important Acquisition you so bravely obtained: We have no Occasion now to debate, whether it be a greater Glory to procure or preserve a Conquest, you have done both. You first reduced a strong and almost impregnable Fortress and then chearfully submitted to the Difficulties and Inconveniences of continuing on the Place for the Quiet and Satisfaction of the Officers and Soldiers who you had so happily led on to Victory.

And we cannot forbear mentioning what every one proclaims to your Honour, that no mercenary or vain Consideration induced you to Accept of this difficult and hazardous Service, nothing but a Zeal for his Majesty's Interest and an ardent Affection to the good of your fellow Subjects, could have carried you from the most affluent Fortune among us, and from the head of his Majesty's Council, the highest Honour your native Country could put upon You.

We heartily congratulate you that so brave a Commander as Admiral Warren had the Direction of His Majesty's Ships of War, and on your and his mutual, wise and harmonious Conduct in this important Affair which has proved so beneficial for the producing this great Event.

We earnestly pray that the same kind Providence which has hitherto remarkably attended and crowned your faithful services with Success, may still preserve and long continue you in favour of your King and an Honour and Blessing to this your Native Country.

In the Name and by Order of the Council

Josiah Willard Secretary

In the Name & by Order of the House of Representatives

Thomas Cushing Sp'ker

Gov' Shirley to the Duke of Newcastle.

Boston New England February 27th 1746

My Lord Duke,

I am sorry that I am now to Acquaint your Grace with the Advices I receiv'd last Night by Express from Nova Scotia giving me an Account that the Detachment of Troops under the Command of Lieu^t Colonel Noble, which I Inform'd your Grace in my last of the 21st instant had taken possession of Minas, and had kept it near two Months, was for want of a proper Security for the Men and Intelligence from the Inhabitants surpriz'd on the 31st of January last at three o'Clock in the morning by between 5 & 600 Canadeans and Indians, in which Lieu^t Col^o Noble with four officers more and about 80 men were killed, and three officers and about 60 men were wounded and taken prisoners before it was light enough for our people to get together; they however oblig'd the Enemy, upwards of 20 of whom were killed, and about

15 wounded to allow 'em an honourable Capitulation, a Copy of which I Inclose to your Grace together with the Account given of this Affair by the Officer who was Commandant of the Detachment at the time of the Capitulation, & Extracts from Lieu^t Governour Mascarene's Letter to me upon this Subject, from whence I choose your Grace should receive the Acco^t in the same light it has been Convey'd to me in, and which upon the best Inquiry I can make, seems to be a just one - I also Inclose to your Grace an Extract from Col^o Noble's Letter to me dated two days before his death, giving me an Account of the Situation of Affairs then at Minas; from whence your Grace will perceive that even then he was in Expectation of being join'd by the Rhode Island Forces, & the Company from this Province, which had the Misfortune to be Shipwreck'd, and that, had they arriv'd at Annapolis, and the New Hampshire Companies had not return'd home without acting, the Enemy would in all probability ha' been drove out of Nova Scotia, and every good purpose which I had propos'd been answer'd before this time as it is, I shall use my best Endeavours forthwith to fit out a Sufficient force by Sea to destroy M^r Ramsay's Vessells at Schiengnecto, and recover our own by Spring, & to send M^r Mascarene such a Reinforcement of Troops as may still drive the Enemy out of Nova Scotia by the same time and prevent any bad Consequences from the late accident there, which seems necessary to be done (if possible) and I shall hope to Succeed in, if the neighbouring Governments of New England will assist in which I shall urge 'em to do.

I likewise inclose the Answer of the Inhabitants of Minas to the French Letter which I sometime ago Inform'd your Grace I sent M^r Mascarene last Fall, and a Paragraph out of one of his Letters to me upon the same Matter, whereby your Grace will perceive that that Letter seems to have had an happy Effect upon the Inhabitants at a most critical Conjunction.

The late Secresy of the Inhabitants of Minas with regard to the Enemy's motions, and the very certain Intelligence which the Enemy gain'd of the particular Quarters of the English officers, notwithstanding their Supplying the Kings Troops with provisions, and the Curtesy of their Behaviour to 'em before this Surprize, and their professions of being sorry for it afterwards, seems to show the necessity of His Majesty's keeping a strong Blockhouse there with a garrison of 150 Men; And the constant ill behaviour of the Inhabitants of Schiegnecto seems to make another Blockhouse with a like Garrison there equally necessary, as I at first propos'd to your Grace from Louisbourg, and these two with a Fort and Garrison at Chebucto of 300 Men at least, and the continuance of a Garrison of 300 at Annapolis Royal as it is at present, with a strong Blockhouse at Canso garrison'd with a 100 Men would through the constant Correspondence that might be kept up between the several Garrisons be an effectual Security to the Province against the Enemy, and oblige the Inhabitants in a little time to Contribute towards the protection & Expence of the Government, and forever frustrate any hope the French could Entertain of making themselves Masters of it, by their constant Endeavours to Seduce the Inhabitants from their Allegiance; All which would make Nova Scotia really His Majesty's, which it seems scarcely to have been yet: And I would submit it to your Grace's Consideration, whether this might not be done by Augmenting General Phillips's Regiment to 100 men each Company, and posting 'em in Nova Scotia, & detaching some Companies from Louisbourg to garrison what places may be thought proper in Newfoundland, where four Companies of Phillips's Regiment are now employ'd ~ And I would further Submit to your Grace's Consideration whether a Company of Rangers consisting of 100 Indians, or rather two Companies consisting of 50 each, one to be posted at the Blockhouse at

Minas, and the other at Schiegnecto would not be of the greatest Service, in Scouting thro' every part of the Province and in the Woods upon every Emergency (for which the Regular Troops are by no means fit) and particularly in preventing the French from Introducing men from Canada into the Province by the Bay Vert; I think the great Service, which Lieu^t Colonel Gorham's Company of Rangers has been of to the Garrison at Annapolis Royal, is a demonstration of the Usefulness of such a Corps, besides that it may be a means of bringing Indians out of the French Interest into His Majesty's Service, and go far towards reclaiming 'em in general, especially if (as I have before propos'd for your Grace's Consideration) two Trading or Truck houses were to be maintain'd one at Minas, and the other at Chiegnecto, for Supplying the Indians with all necessaries in exchange for furs, and proper presents were made to 'em in the manner which the French use, to keep 'em in their Interest.

And if your Grace would allow me the Freedom to offer my Sentiments concerning what appears to me to be farther necessary for putting this important Province of Nova Scotia (I think I may justly call it the most important to the Crown of any upon this Continent) in Security, I sho'd propose one of His Majesty's Arm'd Sloops (or Snows) with a Tender to be constantly employ'd in the Bay of Fundy for visiting all parts of it upon every Occasion, as well as the several Harbours on the Cape Sable Coast; And one of His Majesty's Frigates to be employ'd for the protection of the Fishery at Canso (as was always usual in time of peace) which together with a Tender would also be of great Service in duly attending the Bay Verte, upon every occasion, and likewise visiting the Coast of Accadie (or Cape Sables) besides protecting the Fishery.

Since writing the last Paragraph I have heard of some other particular Circumstances, which make it very suspicious

that several of the Inhabitants at least of Minas knew of the Enemy's Motions, & I find that it is the general opinion of the officers that they did. ~

I am with the most dutiful Regard My Lord Duke,
Your Grace's most devoted & most humble Servant
W. Shirley

*Letter Josiah Willard Sec^{ry} to Capt W^m Burnes & Capt.
David Cargill*

Boston, May 2, 1746.

Sir,

I am directed by the Govern^r to acquaint you that he has had Applications made to him from the House of Representatives Importing that the Soldiers were uneasy under your Command; and therefore his Excellency expects that you do Justice to your Soldiers & give them no Ground of Complaint. His Excellency also orders that you take special Care for the guarding the Inhabitants in bringing their Cord wood to the Water, & in the loading of it aboard the Vessels, so far as is possible without neglect of the more immediate and necessary Defence of the Inhabitants

Cptⁿ W^m Burnes
Capt David Cargill

Gov^r Shirley to the Duke of Newcastle.

Boston May 10th 1746

My Lord Duke

Since I had the honour of writing to your Grace, I am inform'd by Mr Warren that between the last day of November and the beginning of April upwards of 890 men had died

at Louisbourg; but have the Pleasure to hear now that the Mortality & Sickness are intirely ceas'd in the Garrison, and that the People are in very good health & Spirits, and that there are now remaining there 1700 of the New England Troops, so that those which I left there at my departure, & those which arriv'd from New England soon after, made up about 2600 Men, a Number more than sufficient for their defence in the Winter Season — This Mortality, which has destroy'd one third Part of 'em must not be imputed to any unhealthiness of Climate; for Louisbourg is agreed by all to have a very healthy one; and the State of health in the Garrison at Annapolis Royal immediately after the Reduction of that Place was, I am inform'd, worse than that at Louisbourg, tho' there is not a more healthful Climate under the Heavens than Annapolis Royal is: But the irregular Method of the Soldiers living in their Barracks, which with their Change of Diet produc'd a scorbutick habit of Body, as that did a depression of Spirits, their want of some Necessaries in time, & above all the mixture of the sick & well, the living & dead under the same Roof, with other Irregularities, which increased instead of being reformed since my departure from Louisbourg, and indeed were almost impossible to be rectify'd very suddenly in such a Garrison as that was, will sufficiently account for the sweeping Sickness they had among them ~ I inform'd your Grace in my last that upon hearing of the Arrival of seven of the Transports with part of the Gibraltar Regiments at Virginia, under Convoy of two of his Majesty's Ships, and their want of Pilots acquainted with the Cape Sable & Cape Breton Coasts, I immediately sent 'em round seven skilful ones by Sea an Express by land to appoint Lieu^t Governour Gooch, & the commanding Officers of the Ships and Troops of it, and to hasten their departure for Louisbourg: Since which Captⁿ Collins (the Commodore) has wrote word that the Pilots, which he says were necessary

to 'em, were arriv'd safe and that he should sail with his Convoy (the Soldiers being in good health & Spirits, as Mr Gooch also informs me, and that but few have deserted) by the first Week in April, and I have reason to think that they are by this time arriv'd at Louisbourg: And indeed it is remarkably happy that these Troops were blown off to Virginia: had they arriv'd at Louisbourg in the last Fall, they would probably have shar'd in the Sickness of the New England Troops; and a want of sufficient Barracks (which is still too much the Case) Fuel and other Necessaries during the Winter, of which now they will I trust have good Supplies from hence, would have greatly distress'd 'em ~ I may likewise hope that his Majesty's Ship Kingsale will Pay for the four Regiments and the Ordnance Store Ship, with great Artillery for Louisbourg & St John's in Newfoundland, and officers & Matrosses belonging to the Train, are arriv'd by this time at Louisbourg with Admiral Townsend & Part of his Squadron from Antegoa, which I hear was blown back thither off the Northern Coast about two months ago in his Passage for Louisbourg by a violent Storm of Wind, which so shatter'd the Admiral's Ship as to make her unserviceable, and forced the Princessa & another ship of his Squadron from him, which we have not yet heard of, nor of the Vessel a Snow which had the small arms for the two American Regiments and the Powder for the Garrison.

The late ravaging Sickness among the New England Troops at Louisbourg, the Uncertainty of what was become of the Troops sail'd from Gibraltar for the Garrison there, the absolute Promise I was oblig'd to lay my self under to the New England Soldiers, that upon their desire they should be discharged by the End of May, and the settled opinion of every Person in these Parts, especially the General Assembly's, Mr Warren's & Sir William Pepperrell's as well as my own, that the raising of mine and Sir William's Regiments here in any

time for his Majesty's Service was impracticable, and the declining of the other Governments round about us to raise Men to relieve the New England Troops at Louisbourg, 'till a sufficient Garrison could be otherwise provided, gave me no small Uneasiness about the fate of his Majestys new Acquisition for some time: I had indeed prevail'd on the Assembly of this Province to pass a Vote for the Encouragem^t of eight hundred Men to be continu'd after the latter End of May in the Garrison, 'till the first day of October next; But as I dislik'd many Circumstances in their Scheme, & particularly that my Acceptance of the Vote would have been attended with an extraordinary Expence to the Crown (as they suppos'd) of £17000 Sterling, and that it would take away all Possibility of either Sir William Pepperrell's or my self's raising a Man for his Majesty's two Regiments under our respective Commands for some Months at least; and I thought I discover'd a better Disposition among the People to enlist into 'em than was at first generally imagin'd, I rejected this Vote, and trusted intirely to the Success of enlisting Men into the two Regiments; in which I have the Pleasure to acquaint your Grace I have prosper'd so far beyond my Expectation that I have rais'd for my own Regiment about 400 in this Province, 150 more in Pensilvania, & 70 in New York and the Jerseys, & 150 more at Louisbourg And Sir Wiliam Pepperrell (who is at Louisbourg) had rais'd for his Regiment about 150 Voluntiers there, before my Officers could begin to inlist, & 150 more there since; and one of his Captains a Native of Connecticut about 50 more in that Colony, and another Captain in his Regiment a Native of New Hampshire about 50 more in that Province, and two of his Officers in New York & the Jerseys about 20 more there; and I have reason to depend upon all or much the greatest Part of 'em being upon Duty at Louisbourg by the End of this Month, allowance being made for unfit Men,

Deaths & Desertions which usually attend the Service in like Cases: And I am in hopes Sir William & I may compleat our Regiments in good time for his Majesty's Service at Louisbourg; which with the Arrival of the Gibraltar Troops, and Protection of Admiral Townsend's Ships & the others which I hear are destin'd for the same service, will I dare say, sufficiently secure Louisbourg against any Imbarcations which may reasonably be expected from France, unassisted by the Inhabitants of Nova Scotia, the Indians in these Parts, & the People of Canada, which might be transported to Louisbourg by the Way of Bay of Vert, all which must depend upon the Enemy's Reduction of Nova Scotia; For so large an Imbarcation of Land Forces from France directly to Louisbourg, as would yield a sufficient Number of serviceable Men upon their Arrival there to make themselves Masters of the Garrison, seems to be very difficult for 'em to succeed in; and as to the Sea Side we may defy the Power of France to possess themselves of the Harbour, if properly defended by the Land Batteries, and the Ships design'd at present for the Protection of it

Having before express'd to your Grace my Apprehensions of the danger there may be to Louisbourg, and indeed to New England & the British Colonies in general, 'till the Fidelity of the Inhabitants of Accadie (Nova Scotia) shall be better secur'd to his Majesty's Governm^t than it now is, and the proper Method for doing that, I will not trouble your Grace with a Repetition of it ~ The more I consider this matter the greater Importance it seems to me to be of to his Majesty's Service; and from the Informations I have receiv'd, I am persuaded nothing has hinder'd the Accadians from taking up Arms against his Majesty's Garrison at Annapolis, but the Terror which the frequent Visits of the arm'd Vessel & Succours sent from this Place two Years ago, and the Reduction of Louisbourg the last Year struck 'em with; But the Court

of Versailles can't possibly sleep long upon it, since the late Intendant & other principal Inhabitants of Louisbourg are transported to France, & will doubtless apprise the Ministry there of the invaluable Advantages that would accrue to the Crown of France from the french King's Recovery of Nova Scotia, which I have a few days since found so strongly represented by Mons^r de Frontenac an Intendant of Canada in a Letter from him to Monsieur de Pontchartrain then Minister of France, and published in an History of seeming Authority at Paris in 1744, that I could not forbear transcribing a Paragraph out of it & inclosing it for your Grace's Perusal, as it falls in with what has long been my own settled Opinion in the Matter; And I think it my indispensable Duty to suggest again to your Grace my Fears that the Enemy will soon find an Opportunity of snatching Accadie by some sudden Stroke from his Majesty's Government unless the danger is remov'd out of the Heart of it there by a Removal of the most dangerous of the french Inhabitants from thence, & transplanting English Families there in their room, which I think very practicable from hence, having lately found means of transplanting upwards, I believe, of an hundred Families from this Province to Louisbourg towards the Settlement of it, which yet I don't esteem of such Importance to be immediately done as the Settlement of Nova Scotia with faithful Subjects.

In the mean while 'till this can be happily effected, & the Indians in those parts secur'd to the English Interest, I have propos'd to M^r Warren that a Detachment of 100 Men should be sent from Louisbourg to reinforce the Garrison at Annapolis Royal, since the late Miscarriage of 182 out of 302 of the Recruits design'd for Annapolis in their Passage from England to the Garrison there - Ninety six of the Remainder of 'em, which came in here, I with difficulty have got recovered in his Majesty's Castle William & at the Hospital at Boston, & sent a month ago to Annapolis, where I hear they are

safely arriv'd, and twenty more who are in a fair way of being serviceable, I shall send from the Hospital within three days ; but the Garrison will still be weak, as Mr Mascarene has dismiss'd most of the New England Auxiliaries, and they have not, I am inform'd, 220 effective private Men left besides their Artificers & Workmen : I have also recommended to Mr Warren the frequent sending of a Ship of War in order to prevent a Surprize ; & by his Opinion in Concurrence with Sir W^m Pepperrell's, Mr Mascarene's & my own a Sloop has been hir'd & employ'd for about these last four Months to attend upon that Garrison, & carry Intelligence between Annapolis Royal, Louisbourg & Boston concerning the State of it & the Enemy's Motions, which we conceiv'd necessary to be done for it's Security, & hope your Grace will not disapprove of.

What Mr Frontegnac observ'd some Years ago to Mr Pontchartrain concerning the french King's recovering of Accadie, & making himself absolute Master of the great Bank (of Newfoundland) as in the inclos'd Extract of his Letter, seems so seasonable to be consider'd at this time, that I would beg leave to observe to your Grace upon it, that his Maj^{ty}s holding the possession of Annapolis Royal & Newfoundland (already conceded to his Crown by the Treaty of Utrecht) with his late Acquisition of Cape Breton, will put the whole Cod Fishery more in his Power than Mr Frontegnac's Scheme could have put it into the French Kings ; & that besides what Mr Frontegnac calls a Commerce more advantageous than the conquest of the Indies, & computes the Returns of at twenty Millions (I suppose french Livres) p annum it would furnish his Majesty with as good a Nursery of Seamen for the Royal Navy as the Colliery in England does, not to mention the great Consumption of British Manufactures which must be occasioned in carrying the Fishery on ; that the holding of Annapolis Royal in particular will be establishing to his

Majesty the Mastery of the Northern part of the Continent against the French, secure to him inexhaustible Nurseries of Masts, Yards, Bowsprits & other Stores for his Navy, & Timber for Ship-building within his Northern Colonies independent of any foreign State, to be purchased with British Manufactures & transported in British Vessels ~ that the Inhabitants of the Northern Colonies would in time make such an addition of Subjects to the Crown of Great Britain as would make their Number superior to that of any Prince's upon the Continent of Europe; and in the mean while the Vent of Woolen & other British Manufactures, & all kinds of European Commodities imported into the Colonies from Great Britain, must increase in Proportion to the Increase of their Inhabitants: by all which means the main Sources of Wealth, & a larger Extent of Power by Sea & Land than any State in Christendom at present enjoys, seem capable of being secur'd to his Maj^{ty's} Dominions; But which will in the End otherwise be in all human Probability the Lot of the french Dominions; And I would in particular observe to your Grace the most practicable Step the Enemy can attempt making towards their obtaining that seems clearly to be their rendring themselves Masters of Nova Scotia, the consequences of which would give 'em so strong an hold upon this Continent as would make it difficult to dislodge 'em, & put it very much in their Power to harrass & annoy his Maj^{ty's} Colonies both by Land & Sea, in such manner as to weaken 'em extremely, if not by degrees finally subdue 'em.

I am with the most dutiful Regards

Your Grace's most devoted and obedient Servant

W. Shirley.

William Pepperrell to Duke of Newcastle

My Lord Duke

The Last I did myself the Honour of writing your Grace was in conjunction with Gov^r Warren of the 18th of January Last to apprise your Grace of the weak condition of this Garrison owing to a fever that was then very rife among the Troops w^{ch} proved fatall to about 1200 and adding thereto the Great scarcity of fuel and the want of many other Necessarys Your Grace will Easily Judge of the Difficultys, those that remain'd to compose the Garrison had to Encounter throughout a tedious winter.

I have y^e pleasure to inform your Grace that (through God's goodness) the Spring has opened a more agreeable Scene to us, and that the Troops that have Survived the Late fatall sickness, Enjoy now a good State of health and likewise that on the 21st Ultimo the Garrison was reinforced by the Safe Arrival from Virginia of all the Troops sent from Gibraltar Except one Transport which got into new York, and moreover that on y^e 8th Inst. arrived here Admiral Townsend with Two more of His Majestys Ships and in company with them the Kinsale & two Ships Loaded with warlike Stores for this Garrison that came from England under her convoy

By the Kinsale I had the Honour of a Letter from your Grace of y^e 11th of Sept. Last informing me His Majestys Royal goodness to me in appointing me a Colonel of one of the Regiments to be raised in His American Colonys for the defence of this Acquisition of His Majestys pleasure relating to the other officers of that Regiment.

I am extreemly sorry that it has not been in my power to promote more of those that Served under me in the Expedition, and behaved bravely therein not only on their Accounts who are unprovided but as it has rendered it more difficult to Govern^r Shirley and my Self to fill up our Regiments, there are however inlisted here: 150 for his Regiment, and 304 for

mine and : 200 : are already arrived from the Colonys, and I beg Leave to assure your Grace that nothing shall be wanting in my power to make up the Deficiency

Your Graces Letters relating to our Regiment arrived first with Gov^r Shirley, who Enlisted for 3 : 5 : & 7 years, I hope my following the Example, w^{ch} in many instances was unavoidable, will not be disapproved

If it be consistent with His Majestys pleasure, it would be Singular Sattisfaction to me, that I might have y^e Appointment of a Chaplin for my Regiment and great would be my Obligations to your Grace for your favour herein, as M^r Warrens Commission for this Government is Arrived & a great accession of Strength to the Garrison, by the Gibraltar Forces we have Concluded to discharge such of the New England Troops as have not Enlisted with M^r Shirley & my Self as soon as Vesels can be had to Transport them to the Respective Colonys they belong to, and I propose then (depending upon my Royal Masters indulgence to me) to return to New England to Visit my Family in hopes of recovering my health, w^{ch} is greatly impaired by my fategues in y^e Camp & the Sickness that has prevaild in the Garrison, and this I am the more desirous of, as my being present in New England will I flatter my Self not a Little facilitate the duty of my recruiting officers and promote their Success

And now will your Grace permit me to add that I shall ever retain amost gratefull Sence of His Majestys, and your Graces favours to me, and assuring your Grace that I am most firmly Attach^d to the Intrest of my King & Country, I beg Leave wth the Most Dutifull regard to Subscribe &c &c &c

Louisbourg: 21st may 1746

My Lord Duke

the above & foregoing is a copy of my Last to your Grace from Louisbourg, I am now to inform your Grace that I saild from thence, the 6th Inst. and Arrived here this day

that the Garrison was healthy when I left it, and the Transport from New York with the Troops, was safe Arrived there.

I have the Honour now to reply to your Graces Letters of the 14th of March & 9th of April, and beg Leave to Assure your Grace that His Majestys commands Signified to me by your Grace, both as to the filling up of my Regiment, to the highest Establishment and for contributing what lyes in my power to Encourage and promote the intended Expedition against Canada, will have all possible regard paid to them.

I need not acquaint your Grace that while I am using my Utmost influence to Levy Troops for the Latter, that it must necessarily impede in some measure the Service in the former, but nothing for those great Ends that I can possible Effect, shall be wanting

It is with the greatest gratitude I observe His Majestys Gracious intentions of approving my Reccommendations, as any Vacancys may happen in my Regiment and I can most Sincerely assure your Grace that his and Every priviledge my Royal Master may be pleased to grant me, Shall be improved in the best manner for his Service, could it be thought Expedient that two hundred of the Rebell Prisoners, who may have been unwarily seduced, should be sent over for M^r Shirleys and my Regiment, it might be a means of making good Subjects of them, w^{ch} I mention to your Grace with all Submission.

I hope shortly to transmit to your Grace an agreeable Account of my Success in Executing His Majestys aforementioned Commands and assuring your Grace that I shall herein, and on Every occasion Endeavour to demonstrate the utmost Zeal, for His Service, I am with all possible deference My Lord Duke

Your Graces Most obedient and Most Humble Serv^t
William Pepperrell

Boston : 24 June 1746

Gov^r Shirley to the Duke of Newcastle.

Boston May 31st 1746

My Lord Duke

A Fortnight ago I had the honour of your Grace's Letter dated September 11th; and on monday Evening last by his Majesty's Sloop Hinchinbrook I receiv'd that of the 9th of April containing the general Plan for the Reduction of Canada, & his Majesty's Commands to me thereupon, w^{ch} together with your Grace's Letters to the other Governours of his Majesty's Colonies, as far southward as Virginia, upon the same Subject (as signified by your Grace) were deliver'd to me by the commander of the Hinchinbrook, all w^{ch} last mentioned Packets I directly forwarded by Land Expresses to those several Governours Your Grace's Letter of the 14th of March to inform me that Major General Frampton's Regiment was imbarck'd for Louisbourg is not yet come to hand.

I beg your Grace now will be pleas'd to give his Majesty the strongest assurances that in Obedience to his Commands I shall exert my utmost Endeavours to raise as large a Body of men within this Government for the present important Service, as the shortness of the time will permit, & to make the necessary Dispositions for carrying his Royal Pleasure into Execution, as far as it depends upon me, in the most successfull manner; for doing which I shall immediately furnish myself with the best Intelligence & Information to be had in New-England from persons most knowing of the different Passages into Canada by Land, the Situation of the Enemy's Country & of the Forts & settlements within it, as also of the Navigation up the River St Lawrence as high as Montreal with the Settlements & fortifications upon it, & especially of the most advantageous manner of entering the Country, & carrying on the War on the Land side, as far as Montreal; with the proper numbers for that part of the Service; and shall from time to time Communicate my Senti-

ments to Lieutenant General S^t Clair & Rear Admiral Warren in all material points necessary to be consider'd of by 'em, before my Arrival at Louisbourg; where I shall go pursuant to his Majesty's orders with the Troops w^{ch} I shall be able to raise here as soon as possible (I hope by some time in July) & concert with them the most practicable & adviseable measures for executing his Majesty's Commands; in doing w^{ch} I shall hope for the same success w^{ch} attended the Counsels form'd here in the late Expedition against Cape Breton, & nothing on my part shall be wanting to procure it.

In the mean time I have recommended every thing to the Assembly & Council of this Province, w^{ch} I am commanded to do in your Grace's Letter; and in consequence thereof they have passed a Vote to enable me to raise 3000 men in his Majesty's Service for the present Expedition, by offering each man thirty pounds in bills of Credit of the old Tenour (equal to about four Pounds Sterling) with a Blanket & Bed, to encourage 'em to Enlist, a Number I shall set about raising forthwith, if it is possible to do it, after the province's being much exhausted of men by the late mortality at Louisbourg, & Numbers of their fighting men still there, & their other Losses of men by Sea & Land in the late Expedition, & the number still retain'd on board his Majesty's Ships ~ And I hope this Vote will be a good example to & influence the other Colonies upon the present great Occasion, & y^t the four Governments of New-England may produce his Majesty about 5000 men in time for his present Service; And I should think the other southward Colonies concern'd in the Expedition against Canada ought in proportion to furnish about seven thousand men, especially as none of 'em have contributed one man either by Land or Sea towards that against Cape Breton; And I hope that a Number (tho' it may be uncertain what) will be rais'd there for his Majesty, especially at New York, where in answer to one of my Letters to

Governour Clinton about three months ago, w^{ch} he layd before the Assembly pressing them to Contribute their Assistance for the Defence of Louisbourg, & preservation of Nova Scotia against any early Attempts in the Spring, they say in answer to it, y^t the Situation & Circumstances of their Colony will not permit 'em to do that, But if his Majesty shou'd be pleas'd to set on foot an Expedition for the Reduction of Canada, they will most readily contribute their proportion; w^{ch} I have taken the Liberty to remind 'em of.

The Assistance of the five Nations of the Iroquois, w^{ch} your Grace takes notice of as depended upon in this Expedition, will be of the utmost Consequence to the Success of it, by greatly terrifying the Indians in alliance with the French, & discouraging the French themselves, & ought to be secur'd to his Majesty by all possible means; w^{ch} I shall endeavour to do in Conjunction with Governour Clinton, & for w^{ch} purpose I have already sent 'em a Letter to be transmitted to 'em thro' his hands & w^{ch} I have reason to hope from their former Declarations & Messages to me may have some weight with 'em.

I mention'd in a Letter to your Grace about a Year ago, y^t these five Nations had been then lately upon the Point of going over to the French Interest upon some Jealousies w^{ch} have been instill'd into 'em of the People of Albany's having a design to destroy 'em; But this was prevented by Governour Clinton's having an Interview with 'em in company with the Commissioners for the Massachusetts Bay, & other neighbouring Governments; and the Indians were brought to promise to take up the Hatchet (an expression used by them for making Warr) against the French Indians whenever Governour Clinton should order 'em to do it.

It happened that during this Treaty with 'em news came to the Massachusetts Commissioners that the Enemy Indians had attack'd some of the expos'd Settlements on the Frontiers

of this Province, & kill'd some people there, whereupon they propos'd this as a good Opportunity for immediately engaging the five Nations generally in the Warr against the French; and even desir'd Liberty, if that was not thought proper, to engage a number of 'em in the Pay of this Government ag^t the Enemy Indians on the Frontiers of this Province; But both proposals were over rul'd by the Council of the Government of New York w^{ch} attended Governour Clinton upon this Occasion, & pursuant to their advice were deny'd by him Soon after M^r Clinton discover'd the strong Biass w^{ch} prevail'd in his Government, & particularly among the Commissioners for Indian Affairs at Albany, who are all of 'em Dutch, towards preserving a Neutrality with the French Indians for the sake of carrying on the same Trade with 'em, w^{ch} they did during the last french Warr to the great prejudice of his Majesty's other Colonies, & upon my return from Louisbourg I found a Letter from him signifying this to me, & proposing y^t we should concert measures between ourselves for engaging the five Nations in the Warr, & defeating the Dutch Scheme for a Neutrality; I readily join'd with him in it, & propos'd that for securing the five Nations against the Artifices of the French to draw 'em over to their Interest & breaking thrô the Neutrality projected in his Government we should forthwith employ proper persons of Influence among the Indians to draw 'em into an immediate Rupture with the Enemy by making 'em parties in some Skirmish or Attack upon the Enemy's Settlements, wherein blood might be drawn on one side or the other, a sure way found by experience of the Temper of the Indians to engage 'em for the whole Warr; M^r Clinton agreed with me in Opinion, w^{ch} he assur'd me was determin'd by himself in the same way before, & Employ'd a Person on his part to carry the Scheme into Execution; And I employ'd one M^r Lydius a Person of general acquaintance & good repute among the Indians to engage

'em in a Quarrell with the Enemy, & prevail'd upon the Assembly of this Province to advance 500^{lb} new Tenour to him (of the value of about 350^{lb} Sterling) towards giving 'em Bounty money for the Enemy's Scalps, & Defraying the charges of their outsett with a promise of whatever Sums should be necessary for their & his own support in the Warr ; Mr Lydius accordingly engag'd in this undertaking 'till the Commissioners for Indian Affairs at Albany discover'd his proceedings, and upon the Alarm (as I am inform'd by Mr Clinton) made grievous complaints ag^t him ; and the Council have prevail'd so far as to obtain a prohibition to Lydius not to act farther in this matter, & I believe to cite him to answer for his past acting before their Board ; However he has proceeded so far as to engage several of the Iroquois to go out on scalping (the term for destroying 'em & cutting off their Scalps) ag^t the French Indians (in w^{ch} I hope he will succeed) upon the Bounty & support promis'd by me, w^{ch} is the main Dependance we have at present, for engaging 'em in the Warr ~ This strong Desire of the Dutch within the Government of New York still to keep up a Neutrality with the French Indians & prevent the five Nations from entering into the Warr is the more surprizing, as they have not only had the whole Village of Sarahtoga cutt off by the French Indians in the most cruel manner, but their whole frontier of Albany ever since harrass'd with Depredations and Murthers within half a mile of the City of Albany itself, from whence I am told the Inhabitants dare not stirr out, but suffer the Enemy's Insults within sight of their Walls, in so much that great Part of the Country is broke up ; And indeed they have been so much distress'd for some time, y^t I receiv'd a Petition near three months ago from Numbers of 'em Imploring the protection of the Massachusetts Government ag^t the French Indians ; But did not think proper to take notice of so irregular a thing, hoping there would be no

occasion for it, And knowing Governour Clinton would do every thing possible to be done with his Assembly for their safety However I hope upon this occasion as M^r Clinton has ever been spirited to the utmost for engaging the five Nations in the Warr & the Assembly of New York have publicly declar'd their readiness to enter into an Expedition for the Reduction of Canada, & I have let 'em know y^t his Majesty Depends on the Assistance of those Indians in the present intended one, y^t they will heartily join with this & the other Neighbouring Governments in proper measure for securing this Point, w^{ch} I shall use my utmost Endeavours to unite his Majesty's Colonies in effecting As I likewise shall the several Governours in publishing a Declaration to all the Indians in general promising 'em his Majesty's protection & favour, in case they shall observe a Neutrality in the present Expedition, w^{ch} I am not without hopes would have a proper Effect upon 'em in the Alarm & Consternation, w^{ch} the appearance of his Majesty's Armaments by Land & Sea & the fear of our Resentment in case of success may probably produce in 'em; & this falling off from the French would very much dishearten them too.

It is a great satisfaction to me upon this occasion that I find the Levies for my Regiment answer the prospect, I had when I last wrote to your Grace; there being now, I believe, six hundred of 'em at Louisbourg, & 100 more ready to imbark; And I shall use my utmost diligence to compleat it to the highest Establishment as I doubt not Sir William Pepperrell will do the same for his, towards w^{ch} nothing can possibly contribute more than his Majesty's permitting us to recommend to the Vacancies in our respective Regiments: But the sudden raising of so large a body of men in all the Governments for his Majesty's Service in the present Expedition & the Encouragement for Enlisting into it, with the short time of the Service will unavoidably obstruct us (in

some Degree) in compleating our Regiments at present; when they are both compleated I hope they may, tho' new rais'd, be equal to the Duty expected from 'em this Summer, whilst so considerable a naval force as is intended, is kept in these Seas, and w^{ch} may be, as your Grace is pleas'd to observe a considerable protection, to Nova Scotia too; it not being probable that the French will then venture up with their Ships into Annapolis Bason; But I would beg Leave to observe to your Grace, y^t the Danger to his Majesty's Garrison arises cheifly from within the heart of the Government itself, the Inhabitants & neighbouring Indians whose Numbers are sufficient of themselves with a small Assistance from Canada, & the help of a proper Train of Artillery, slipt up the Bay in small Vessells (w^{ch} would give 'em great Encouragement to take up arms ag^t the Garrison) to reduce it, However whilst the attempt ag^t Canada is depending, that will certainly go far towards holding the Inhabitants of Nova Scotia in suspense till the success of it is known; & I hope by next Spring they may either be put upon a better foot of Subjection, or the most dangerous among 'em remov'd.

I will use my utmost Diligence to procure all the good Pilots, w^{ch} are to be had in this Province for his Majesty's service in the present Expedition: and give M^r Hutchenson all the Assistance I can, in contracting for any Quantity of Provisions he may think necessary to lay in for the use of his Majesty's Troops upon their Arrival in North America.

I congratulate your Grace upon the favourable turn w^{ch} the Rebellion in Great Britain has taken, and the Prospect there is that the disturbances lately occasion'd by that of the threaten'd Invasion from France to his Majesty's Government at home are near an End — And tho' I should have been glad y^t the Colonies could have had longer Notice given 'em to make the necessary Preparations for this Expedition yet as I am inform'd y^t the Proclamation issu'd here upon the

present occasion will be earlier by ten days than that issu'd on the like in 1711, and that the Fleet then rendezvous'd in this Harbour did not sail from hence in that year for the River of St. Lawrence till the month of September, whereas I expect that the Fleet may sail from Louisbourg this year by August, I hope we shall not be too late in the Season.

No Diligence shall be wanting on my Part to forward this Enterprize, nor Endeavours to keep up a proper harmony and Spirit among the several Governments here for promoting it, and an Union of Counsels & agreement between General St^r Clair, Admiral Warren & myself, w^{ch} I hope will afterwards subsist between those two Gentlemen in carrying the Scheme w^{ch} shall be finally settled, into Execution; and that his Majesty's Arms in this Expedition will be crown'd with success.

I am with the most Dutifull Regard, My Lord Duke,
Your Grace's most Oblig'd and most Devoted Humble Servant
W. Shirley.

P. S. Since finishing this I have receiv'd a Letter from Governour Clinton; wherein he says "Since the Noise about "Lydius the Commissioners (at Albany) have fall'n into the "same method, that I was pursuing, w^{ch} is offering a sum of "money in Dollars to any person, that will go & get a Scalp "of a French Indian so y^t they find themselves oblig'd to Lay aside their Scheme for a Neutrality.

The inclos'd Extract is from the Secretary of the Province of Nova Scotia.

Extract of a Letter from Secretary Shirreff to M^r King Gould Agent for General Phillipss Regiment dated in March 1745 sent open to Governour Shirley for his perusal.

Besides in the Circumstances we are in if the Bay Vert & Chicknecto be not well attended & secur'd by proper Cruizers,

the Canadians may even send Parties with Cannon shells & other warlike Stores to Chicknecto, as they did the Indians presents last Fall, from whence, as our Inhabitants have Sloops & Shallops, they can bring them from thence, & Land them here in the River within sight of the Garrison without being hurt, so that without Shipping to defend our entry, (where we have had hints the Enemy intend if they return to build a Battery) we are in Danger not only from Old France, but even from that our Neighbouring Province; if our Inhabitants are not remov'd, w^{ch} I humbly submit to Gen: Phillips's, to whom my most Dutifull Respects, & to your Consideration

Examin'd

W. Shirley

Gov^r Shirley to the Duke of Newcastle.

Boston June 18th 1746

My Lord Duke,

(Copy)

Since I receiv'd your Grace's Letter dated the 9th of April, I have the honour to receive that of the 14th of March informing me of the Imbarkation of Major General Frampton's Regiment for Louisbourg the appointment of Mr. Knowles to succeed Admiral Warren in the Government of Cape Breton, & of his Majesty's Commands to the Admiral & myself for concerting measures for his Service at Boston & transmitting our Opinion touching the Number of Forces necessary to be rais'd in North America for the reduction of Canada: And I am particularly oblig'd to your Grace for the Assurance, that you are therein pleas'd to give me y^t you will recommend me to his Majesty for the Command of Lieutenant General Phillips Regiment, when it shall become vacant, w^{ch} additional Instance of your Grace's Goodness to the favours confer'd upon me I shall ever retain a most gratefull Sense of:

And I may assure your Grace y^t one of the principal motives, I had to desire I might succeed General Phillips in his Command, was the hopes I have of it's putting it in my power to promote his Majesty's Service in his Province of Acadie, or Nova Scotia by securing the fidelity & allegiance of the Inhabitants there to His Majesty's Government in the best manner, and thereby preventing the French from making themselves masters of it the acquisition of w^{ch} to them with the help of the Indians would likewise endanger the Loss of the Province of New Hampshire & the Mast Country to his Majesty with the Fishery of the Acadie or Cape Sable's Shoar, including that of Canso, to his Subjects here in present; &, should not Canada be reduc'd would enable the Enemy to harrass & Diminish all his Majesty's Colonies on the Continent, & have an inevitable Tendency to make themselves masters of the whole of it in time; not to mention the continual Danger, w^{ch} their possession of Nova Scotia would at the same time expose Cape Breton & even Newfoundland to.

These Considerations have induc'd me to take the Liberty of submitting it to your Grace, whether it might not be for his Majesty's Service, that before the six Regiments to be employ'd ag^t Canada return to England, orders may be given that such part of them, as shall be thought necessary to assist in removing the most obnoxious of the French Inhabitants of Nova Scotia from thence, should be employ'd in that Service, w^{ch} would not take up much time; I am not certain whether a sufficient Strength might not be spar'd from the Garrison at Louisbourg a short time for this purpose, w^{ch} if it could, would make the Assistance of any other Troops needless.

And I would particularly submit it to your Grace's Consideration, whether in case of any Disappointment in the present attempts for the reduction of Canada, the immediate removal of some at least of the French Inhabitants of Nova

Scotia, & securing the province in the best manner would not be adviseable and even necessary.

If your Grace should think this deserves so much of your Attention there will be time enough for transmitting his Majesty's Commands to me upon it before the present Expedition is over

I am with the most Dutifull Regard My Lord Duke

Your Grace's most Devoted & most Obedient Servant

W. Shirley

Gov^r Shirley to the Duke of Newcastle.

Boston August 15th 1746

My Lord Duke

(Duplicate)

I have endeavoured to represent to your Grace so fully in former Letters the great Importance of his Majestys holding the possession of Nova Scotia, and the Danger his Garrison there at Annapolis is in from the General Attachment of the Inhabitants of that province, and of the Indians under their Influence, to the Interest of the French, that I shall not trouble you with repeating it: But beg leave to lay before your Grace the Copy of my last Letter to Admiral Townsend, which will discover to your Grace that my Apprehensions concerning Annapolis Royal are not groundless; that the Spirit of the French Inhabitants still continues the same, as before the taking of Cape Breton: and that notwithstanding that Acquisition Nova Scotia will be in danger of being lost by some sudden stroke from Canada in Conjunction with the Nova-Scotians unless a method is Spedily taken for better Securing their Subjection and Fidelity to the Crown of Great Britain. I must acknowledge my fears of such an Event increase, as the more I consider what is the most practicable method for the French to Attempt the Recovery of Louisbourg, either by force of Arms or gaining from his Majesty

what may most probably be deemed an Equivalent in exchange for it, the more clearly it appears to me that making themselves masters of Nova Scotia (which seems at present to be the easiest Acquisition they can make) must be their Scheme: nay it may admit of some doubt whether they would be fond of Exchanging Nova Scotia for Cape Breton, as the former has between 5 & 6000 fighting men in it, besides a considerable number of Indians Dependent upon it, abounds with provisions, has a great number of most Commodious Harbours for large Ships, and exceeding plenty of the best of Fish along the Cape Sable Coast, and at Canso, & (which seems to be a principal Consideration and to be guarded against as a matter of the most dangerous Consequence) would greatly strengthen 'em upon this Continent & probably put it immediately into their power at least to ruin his Majesty's Woods in this and the province of new Hampshire, from which two nurseries his Royal navy is at present wholly Supplied with masts, yards &c^a besides all which it would so much facilitate their Recovery of Cape Breton as perhaps to make 'em not so solicitous about having it given up to 'em as otherwise they would be, since their being masters of Nova Scotia might raise their hopes of regaining Louisbourg by Force, or Surprise, if the war should continue any time, which without their gaining of nova Scotia they could not reasonably entertain and by this means the loss of that province might be attended with more Difficulty & perplexities, than may be at first sight perceived.

I am sorry to hear from the Garrison at Annapolis Royal that there is a great Spirit of Desertion among their last Recruits, some of whom have actually deserted, and gone over to the French, by which means the Enemy will have intelligence of the State of the Garrison: This happens from the Recruits being taken (as I am informed) out of the Refuse & Drags of the Jayls in England, and some of 'em

being Irish Papists: and the Evil (which may be of bad Consequence) seems easy to be Remedy'd if those Companies of Phillips's Regiment, which are posted at Annapolis Royall were permitted to Recruit with new England men, who are Stanch in their Fidelity to his majesty's Service, and have a great aversion to the French.

I shall finish my troubling your Grace upon the affairs of Nova Scotia with this Letter after having once more Submitted it to your Grace's Consideration as a proper Scheme for better Securing the Subjection of the French Inhabitants and Indians there; that the Governour & Councill or such other person or persons as his majesty shall think fitt to join with 'em, should have a special Authority and directions from his majesty forthwith to Apprehend & Examine a convenient number of such of the French Inhabitants, as shall be by them Judg'd to be most obnoxious & Dangerous to his majestys Government, and upon finding 'em guilty of holding any treasonable Correspondence with the Enemy &c^a to dispose of them & their Estates in such manner, as his majesty shall order by his Commission and to promise his Majestys Gracious Pardon & a General Indemnity to the Rest for what is past upon their taking the Oaths of Allegiance to his Majesty: And to Cause either two strong Blockhouses (or small Forts) capable of holding 100 men each to be Built, one in Menis & the other in Schignecto which may be Garrison'd out of Phillips's Regiment when Complicated; or else that at least one Blockhouse (or small Fort) should be Built at Menis capable of holding 150 men, and a trading house be kept at the Fort at Menis or some other part of the Province well Stock'd with all proper Supplies for the Indians to be sold or barter'd to 'em for Furrs &c^a at the most reasonable Rates, and some presents annually distributed to 'em: by which means and removing the Romish Priests out of the province, & introducing protestant English Schools, and

French Protestant Ministers, and due encouragement given to such of the Inhabitants, as shall Conform to the Protestant Religion, and send their Children to the English Schools, the present Inhabitants might probably at least be kept in Subjection to his Majestys Government, and from treasonable Correspondencies with the Canadians; and the next Generation in a great measure become true Protestant Subjects; and the Indians there soon Reclaim'd to an intire dependance upon & Subjection to his Majesty; which might also have an happy Influence upon some of the Tribes now in the French Interest.

Your Grace will be pleas'd to excuse all Incorrectness in this rough Sketch.

I am with the most Dutifull Regard, My Lord Duke,
Your Grace's most Devoted & most Obedient Servant
W. Shirley.

Gov^r Shirley to Paul Mascarene Esq^{re}.

A Letter from his Excellency William Shirley Esq^r Captain General & Governour in Chief of the Province of the Massachusetts Bay to the Honourable Paul Mascarene Esq^r Commander in Chief of the Province of Nova Scotia for the time being.

Sir,

Having been inform'd that the french Inhabitants of Nova Scotia entertain some Jealousy of a Design in the English Government to remove them with their Families from their Settlements, & transport them to France or elsewhere; I desire (if you think it may be for his Majesty's Service) that you would be pleas'd to signify to 'em, that it is probable if his Majesty had declar'd such Intention I might have heard of the same, but that I am perfectly unacquainted with any such Design, and am perswaded there is no just Ground for this Jealousy; And be pleas'd to assure 'em, that I shall use

my best Endeavours by a proper Representation of their Case to be laid before his Majesty, to obtain the Continuance of his Royal Favour & Protection to such of them, as shall behave dutifully & peaceably, & refuse to hold any Correspondence with his Enemies; and I doubt not but that all such of 'em will be protected by his Majesty in the possession of their Estates & Settlements in Nova Scotia.

And I desire you would also be pleas'd to inform 'em that it is expected from his Maj^{ty}'s french Subjects in that Province, who have for so long time enjoyed the same Privileges with his natural born Subjects there, & have been under a much easier Government than any of the french King's Subjects are in the neighbouring Province of Canada & other Parts of the french King's Dominions, that their Interest as well as their Duty and Gratitude should bind them to a strict Fidelity & Obedience to his Majesty and His Government; But on the contrary if any of the Inhabitants of the said Province shall join with the Enemy (especially those that have been sent from Canada to seduce them from their Duty to his Majesty & Attachment to the English Interest) they must expect to be treated in the same manner as his Majesty's English Subjects would be under the like Provocations.

I am with great regard Sir,

Your most Obedient humble Servant

W. Shirley

Boston Sep^r 16. 1746.

Copy of a Letter from Lieut^t Colonel Gorham to Governour Shirley.

Annapolis Royal Nov^r 15. 1746.

May it please your Excellency,

This come to inform you that on Account of Bad Weather,

and the Reinforcement not arriving from New England, our Expedition up the Bay by Water is over for this Year; and according to Custom, all intelligence and Expresses from thence are Stopt, tho many schemes are put in Execution to gain intelligence by Sea & Land, I have in Conjunction with Governour Mascarene used all endeavours with these Inhabitants and their Priest to get Intelligence and to forward a number of your Excellencys Letters to Minas and to let them know that they may depend on being treated agreeable to your Excellencys Letter thõ the Canadeans and some guilty and disaffected Inhabitants are using all measures to make the others believe that the Letter is only to make them easy until we can get them in our power to Remove them; which Report of Removing them has so Alarm'd them, that they hardly know what to trust to, I think there is no doubt the greater part of the Inhabitants up the Bay have us'd their endeavours (by fair means) to get the Canadeans to Return home and not to Winter amongst them as they expect to have Open war declar'd against them provided the Enemy keeps amongst them; Tho I can't well understand how the Enemy can leave the Country till all is frose up.

As it is already too late to go by water and their Sick and Prisoners & Baggage they cant well Transport by Land in the Winter makes one think they will keep possession of this Country except we have a Superiour Force to drive them out and their keeping this province is of no small Consequence to Canada not only in having all advices from New England by the way of these Inhabitants, but from Old France any Ship may put into any of the Cape Sable Harbours, when they could not Venture up the River of Canada by reason of the Winter and by this Method Convey a Packet and have an Answer in a fortnight or three weeks from Quebeck. Therefore in my humble Opinion it will be of the Utmost Consequence to get possession of Minas this Winter or in the

Spring provided the Canada Expedition goes on ; and in Case a sufficient Force arrive not this Fall to go to Minas, I should think it much the surest and best way to send direct from N England early in the Spring to Minas without ever touching here or even letting this place have any knowledge of the same for they will soon know at Minas what we are about here, tho we cannot know what they are about there

As to what advices we have about some large men of Wars being up the Bay, and a large Reinforcement of men and Stores by the Bay of Vert, I hardly know what to think about the Shiping, but the Reinforcement & Stores by the Bay of Vert may be probable they at Canada thinking this place was taken & accordingly might send the above mention'd men & Stores to reinforce the Garrison & Country & I believe it is true. Some Conjecture the Ships are some return'd back from the Fleet with the Governour on board, and that he will go to Canada by Land or fortify at Minas and make a tryal against this place in the Winter, but hope we shall by some of the Aforementioned Schemes soon get some better intelligence from thence than what we have at present till which time must beg leave to referr your Excellency to those more knowing in these affairs, I am Sir,

Your most Obedient & humble Servant

John Gorham

Gov^r Shirley to the Duke of Newcastle.

Boston November 21st 1746

My Lord Duke,

I am afraid your Grace will think, from my incessant Representations of the State of Nova Scotia, that I imagine that Province should be the sole Object of your Attention : Nothing could induce me to be so importunate with your Grace upon this Subject, but the fullest Perswasion of the very great

Importance of that Place to the Crown, & the British Subjects, of the immediate bad Consequences of the Loss of it to his Majesty's Service, & the imminent danger of it's being lost, unless something is forthwith done for the effectual Security of it.

The inclos'd Extract from M^r Mascarene's Letter & Copy of Lieut^t Gorham's will disclose in a great Measure to your Grace their Apprehensions, & the Condition of the Province: The Number of the Enemy are increas'd at Menis; they have again stopt all Communication between the Inhabitants & the Garrison, & are likely to keep footing there this Winter; and particularly from Col^o Gorham's Letter your Grace will perceive what Pains the Canadeans and Malecontents among the Inhabitants take to prevent my Letter lately dispers'd among 'em, in order to settle the Minds of the Inhabitants, (a Copy of which I have before sent your Grace) from having its proper Influence; & how the Nova Scotians are alarm'd at the Rumour of a design to remove 'em from their Settlements: And it appears to me by what I farther learn from Captain Fotheringham to whom M^r Mascarene refers me in his Letter, that unless something vigorous, as that Letter intimates, is done by the Middle of April at farthest, the greatest Part of the Province at least will be in the hands of the Canadeans, and it will be too late then to attempt to reclaim the Inhabitants.

To prevent this danger, six hundred of the Men, which I have sent from this Province, are, I hope, before now arriv'd at Annapolis, & near three hundred more, I expect, will arrive there from hence in two or three days at farthest, with a sufficient Quantity of Snow Shoes, which will make their marching practicable, tho' a deep Snow should suddenly fall. One hundred & eighty Men more, I hope from Gov^r Wentworth's assurances to me, are sail'd before now from New Hampshire for Annapolis; But the Transport Vessels of the

three hundred from Rhode Island were drove on Shore, I hear, in a Storm at Martha's Vineyard, & when they will reimbarc I dont know. However I hope the other Succours may, thô the Rhode Islanders should not proceed (which I shall yet press their doing with all Speed) be a sufficient force to drive the Canadeans from Menis this Winter; which would have a most happy Effect indeed for the Security of the Province in every respect, & seems worth while to be push'd for; And I hope M^r Mascarene's Difficulties about their carrying of Provisions by Land, may by some Method or other (especially Sleds when the Snow falls) be got over: Captⁿ Fotheringham assures me that very credible accounts of the sickness's having destroy'd two thirds of the Cape Sable Indians are given by some of the french Inhabitants, & that they are still dying. The Cape Sable Indians were before computed to have about six hundred fighting Men.

For the securing Nova Scotia from it's present danger I would further humbly propose it as my Opinion to be consider'd by your Grace, that if his Majesty should be pleas'd, as soon as possibly might be after the Receipt of this, to cause it to be signified to the Inhabitants of Nova Scotia, that the assurances lately given 'em by me of his Royal Protection to such of 'em, as should behave dutifully and avoid all traitorous Correspondence with the Enemy at this Juncture (or to that Effect) were approv'd of by him, and should be made good to 'em, it would have a great Tendency to remove their present apprehensions of being sent off with their Families from their Settlements in Nova Scotia, which seems to distress & perplex 'em; & effectually to prevent 'em from being drawn over to take up Arms against his Majesty, unless it should be some of the most obnoxious of 'em; which, if his Majesty would be pleas'd to send over at the same time his special directions to apprehend, and proceed against, such a Proceeding against the Delinquents and gra-

cious Declaration towards the others, would I dare say have a proper Effect for securing the general Fidelity of the Inhabitants, at least so far as to keep 'em from joining with the Enemy; And least the Succours now sent to Annapolis should not be a sufficient force to dislodge the Enemy this Winter, I would farther humbly propose it for your Grace's Consideration, that his Majesty's Orders should be forthwith sent to my self and the other three Governments of New England, that in Case the Canadeans should not be withdrawn out of Nova Scotia, they should immediately cause the Soldiers rais'd in their respective Colonies & Provinces for his Majesty's Service in the Expedition against Canada to be transported to Annapolis Royal, as their place of Rendezvous instead of Louisbourg, & to be employed in driving the Canadeans out of Nova Scotia, and be farther subjected to such Orders as his Majesty shall be pleas'd to signify in those Directions; and if this Order was to extend to the Governour of New York, it might not be an unnecessary Caution. I am apprehensive if such Orders are not sent, that the Attention of the several Governm^{ts} to the Reduction of Crown Point might very much interfere with the Preservation of Nova Scotia, which is of infinitely more Consequence.

These are the things which occur to me at present, & which I would submit to your Grace's Consideration, as what seem to require more immediate Dispatch: As to the danger of the french Fleet's early Return from the West Indies to Nova Scotia, and what Strength of Ships may be necessary to protect that Province, Cape Breton, and the other Colonies against that Fleet, or any other french Armament which may be sent from Europe in the Spring to visit these Parts, I leave to Admiral Warren, who now goes to England in the Chester, and with whom, pursuant to the Directions of your Grace's two Letters to me, in March & April last, I have acted in Concert upon all such occasions as requir'd my con-

sulting him, with the greatest Satisfaction and Harmony, having had the pleasure to find my own Sentiments agreeable to his in all Matters of Consequence, and a most hearty Disposition in him for his Majesty's Service, and to whom I have often talk'd over the affairs of Nova Scotia.

I find my self oblig'd to point out to your Grace the Paragraph in Mr Mascarene's Letter concerning the Necessity of Bay Verte's being sufficiently guarded, which would have most effectually prevented the Introduction of any Forces & Stores from Canada into Menis in Nova Scotia this year; the Copy of the Letter which I wrote to Admiral Townsend near four Months ago upon that Subject, and which I inclos'd to your Grace, will show how much I had that matter at heart in the beginning; and joint Letters were wrote afterwards by Mr Warren and my self to the Admiral upon that head; It would be for his Majesty's Service I believe if particular Directions were given to the next Commander of the Squadron that shall be sent to Louisbourg or elsewhere upon this Coast to have a particular Eye to guarding this inlet of the Canadians into Nova Scotia the next Spring; tho I have the utmost Reason to think that Governour Knowles, so far as it may be in his Power, will be as warmly dispos'd to do it without any particular Directions, as is possible.

I will avoid repeating what I have particularly mention'd to your Grace in late Letters concerning the fortifying of Chebucto Harbour, and building a Blockhouse or small Fort for 150 Men at Menis, with a Trading House there for the Indians, and a Blockhouse only at Canso for 100 Men, instead of new building and enlarging that at Annapolis Royal, and erecting a larger Fortification at Canso, which in my humble Opinion would greatly strengthen that Province, and together with the introducing of French Protestant Ministers, and English Schools, & some small Encouragement by Privileges to such as should conform to the Protestant Religion, or send

their Children to the English Schools, and Presents to the Indians with Supplies of all Necessaries for 'em at the most reasonable Rates, in Exchange for their Furs &c^a, the Disallowance of the publick Exercise of the Roman Catholick Religion, at least after a short Term of Years, & forbidding Romish Priests under severe Penalties to come into the Country either among the Inhabitants or Indians; and if it might be consistent with his Majesty's Pleasure, a Civil Government to be in due time introduc'd among the Inhabitants; These things I say, my Lord, together with making Examples of the most obnoxious among the Inhabitants, and his Majesty's extending his Clemency and the Continuance of his Protection to the rest upon taking the proper Oath of Allegiance, seem to me to have the most promising Aspect for making good Subjects of the present Generation of Inhabitants, at least better than they are now, and good Protestants of the next Generation of 'em; especially if there was to be a Mixture of English or other Protestants introduc'd among 'em, which the Invitation of a Civil Government to be set up among 'em would bid fair for doing: and the Trading House would create in the Indians a firm Dependance upon, and Attachment to his Majesty's Government, especially if a proper Protestant Missionary or two was supported to live among 'em at their head Quarters, as is the Method of the french Priests; by w^{ch} means they gain so great an Ascendancy over them.

Just as I had finished the last Paragraph a Letter from Govern^r Knowles to Admiral Warren and my self, dated the 10th Instant, was deliver'd to me, in which he informs me that "he has given his Opinion in his Letters to your Grace, "that it will be necessary to drive all the French (I suppose "he means Inhabitants) out of Accadie (Nova Scotia) in the "Spring, and that he hopes he shall have Orders to assist in "doing it, if Admiral Warren does not go upon the Expedi-

“tion to Quebeck, which he apprehends is rendred more difficult than it was, by such a Number of Ships being got safe up to Quebeck this Year, as no doubt they have carried all manner of warlike Stores.” And in his Letter to me of the 24th of October he says, “if his Majesty should be pleas’d to transport the Rebels who are the Objects of his Mercy, & encourage other Highland Families to come over, he thinks the Colony of Nova Scotia would soon be repeopled;” which it is possible he may have also propos’d to your Grace, as in his Opinion the best method for peopling that Colony, after the present french Inhabitants are drove off.

As the Sentiments, which I have taken the Liberty to offer to your Grace upon this Subject, happen to be something different from M^r Knowles’s, I think it may not only be proper but my Duty to mention the Reasons of my preferring the Scheme for attempting to make the present french Inhabitants good Subjects to his Majesty, and keeping ’em in the Country to that of driving ’em off & introducing some of the Rebels and other Highlanders in their Room.

It seems very difficult to drive all the Inhabitants of Acadie out of so large a Province as that is, and which consists chiefly of Woods; It is most probable that many of their hardiest Men, would retire (for some time at least) with their Cattle into the Woods, & form Parties with the Indians; and the remainder would doubtless retreat with their Families to Canada: Those, who are acquainted with the Indian Manner of Life & making War, know that one hundred of ’em under cover of the Woods, can confine a very large Frontier within their Garrisons, even thô they have Companies continually scouting between one Garrison and another; this is at present the Case of this Province & the other Colonies of New England & New York, thô the People there are us’d to the Woods, & the skulking of the Indians behind the Bushes & in Ditches with their other Wiles, & have large

Numbers of the Militia constantly upon Guard for their Protection; their Cattle is continually destroy'd; if any of 'em venture out into their Feilds, they are frequently kill'd & scalp'd; and sometimes not only single Families or Garrisons are surpriz'd and cut off, as has happen'd lately in this Province, but even whole Villages, as was the Case of Sarahtoga in New York a few Months ago; so that those of the french Inhabitants, who should mix with the Indians in the Woods, would have it in their Power to put his Majesty's Garrison under such Circumstances, as that it could not possibly subsist longer in the Country then they could do it without fresh Provisions, Wood & other materials and Supplies from thence; from all which they would be wholly cut off, when the Inhabitants were drove away; And as to such of the Inhabitants, who should go with their Families to Canada, it must be expected that a very large Body of the Men would return arm'd next Spring with some Canadeans to join the Indians; from all which it seems justly to be apprehended that an attempt to drive all the french Inhabitants from their Settlements, should it succeed, would in Effect be driving 5 or 6000 men to take up Arms against His Majesty's Governmt there every Year during the War; make the reclaiming of the Indians of Nova Scotia impracticable, & render it impossible for his Majesty's Garrison there to subsist long in the Country in time of War even with the Indians only; Besides, the Addition of about 6000 fighting Men with their Families to Canada, which would greatly strengthen the French upon this Continent, and would entail upon the Posterity of those who are thus expell'd (for several Generations at least) a Desire of recovering their former Possessions in Nova Scotia, seems to be no inconsiderable Matter, but what next to the Loss of the Country it self should be avoided on the Part of his Majesty, & is I dare say, an Event, which the French next to their Acquisition of this Colony would desire: It is

indeed now to be wish'd that General Nicholson had upon the first Reduction of the Colony to the Obedience of the Crown of Great Britain, remov'd the french Inhabitants, when they were but a few, out of the Country, as was done at Louisbourg; and that during the Interval of Peace the Colony had been planted with Protestant Subjects; But after their having remain'd so long in the Country upon the foot of British Subjects under the Sanction of the Treaty of Utrecht, and making Improvements upon their Lands for one or two Generations, and being grown up into such a Number of Families, to drive 'em all off their Settlements without further Inquiry seems to be liable to many Objections — Among others, it may be doubted, whether under the Circumstances of these Inhabitants it would clearly appear to be a just usage of 'em; it is true that the Notion of their Neutrality (which seems to have been entertain'd for some time by the English as well as themselves) is ill grounded, and does not comport with the Terms of their Allegiance to his Majesty, to which such of 'em as chose to remain in the Province are bound by the Treaty of Utrecht; whereby the french King yeilded up the Inhabitants as well as the Soil of Accadie, and together with their Persons transferred their Allegiance to the Crown of Great Britain; But if it is consider'd, that this Notion was founded upon an Act of the late Lieut^t Governour Armstrong then the residing Commander in Chief of the Province, whereby he took upon himself to grant 'em by a Writing under his Hand an Exemption from bearing Arms upon any Account whatever, on their consenting to take an Oath of Allegiance to his present Majesty; which, whether it was done by him with, or without Authority, appear'd at least to them to be authentick, it may perhaps be deem'd too rigorous a Punishm^t for their behaviour grounded on such a Mistake, to involve the innocent with the Guilty in the Loss of their Estates, and the Expulsion of

their Families out of the Country ; it is not improbable but that there may be many among 'em, who would even prefer his Majesty's Governm^t to a french one, & have done nothing to deserve such a Forfeiture ; Some Allowances may likewise be made for their bad Situation between the Canadeans, Indians, & English, the Ravages of all which they have felt by turns in the Course of the War ; during which they seem to have been continually plac'd between two fires, the force and Menaces of the Canadeans & Indians plundering 'em of whatever they wanted, & deterring 'em in the strongest manner from having any Communication with his Majesty's Garrison, on the one hand ; and the Resent^{ts} of the Garrison for their withholding their Intelligence & Supplies on the other ; thô at the same time it was not in a Condition to protect 'em from the Enemy : Wherefore it seems a Matter worthy of your Grace's Consideration, whether under such doubtfull Circumstances the driving all the French Inhabitants of Nova Scotia off their Settlements, and thereby very greatly strengthening the Enemy upon this Continent, not only against the Garrison in present, but finally against all the British Colonies there, and depopulating one of his Majesty's Provinces for sometime (how long may be uncertain) is more eligible than treating 'em as Subjects, confining their Punishm^t to the most guilty & dangerous among 'em, & keeping the rest in the Country, and endeavouring to make them & their Posterity useful Members of Society under his Majesty's Government : I can't omit likewise observing to your Grace, that it would be exceeding difficult to fill up the Chasm which driving off the Inhabitants would make in the Country ; During the Rupture with France it would certainly be impracticable, and I doubt whether it would not be so when Peace shall be made with France, if the Indians should continue at War with us ; For what Number of Families can be propos'd to begin a Settlem^t in the Country, after the Expulsion of

the french Inhabitants, with Safety against the Indians, & which would be continually expos'd to be destroy'd by 'em, whilst they were carrying on their Settlements; They must expect no Protection against the Indians from within the Garrison, out of the Reach of their great guns; the Company of Rangers, which live without the Walls of the Fort, would afford more of that than a thousand Garrison Soldiers would do: Whereas if the Stock of french Inhabitants was continued in the Country, an Accommodation with the Indians would be more easily brought about and preserv'd, they would be a Cover for any Number of Families that might be introduc'd among 'em whilst they were carrying on Settlements; & secure to the Garrison it's necessary Supplies of fresh Provisions, Fuel, Materials for repairing the Works, & Stores of all Sorts that the Country affords.

As to re-peopling the Province with some of the late Rebels and other Highland Families, it seems much to be doubted whether it might not be hazardous to fill that Colony, w^{ch} should be the Barrier of all his Majesty's Colonies upon this Continent, with a Set of poor, ignorant, deluded Wretches just come out of a most unnatural Rebellion; that from their Neighbourhood to Canada would be continually expos'd to the Artifices and Attempts of french Romish Priests upon 'em, who it is reasonable to think would not fail to instill the same Notions into 'em in America, which seduc'd 'em from their Allegiance in Great Britain, with a Promise of more effectual Support & Protection from the French here, than they had in the Highlands; Indeed, my Lord, this seems to be a dangerous Experiment, and what might produce the worst of Consequences.

I beg leave to submit it to your Grace's Consideration, whether the most staunch Protestants, & Families the most zealously affected to his Majesty's Government, a Number at least of such should not rather, if possible, be transplanted

there as soon as may be ; I could wish four or five hundred of 'em could be induc'd to go from some Part of New England ; I think from the Experience I had of the Inhabitants of this Province at least upon the late Alarm given by the french Fleet, I might safely venture to be answerable to his Majesty, that if I had suggested in my late Orders for assembling a Body of 'em under Arms in Boston from all parts of this Province to oppose any Attempt of the Enemy, that there was a design of landing a Son of the Pretender's here, it would not have been possible to have kept any one Man, who was capable of marching hither, from appearing under Arms with the most determined Resolution of hazarding his Life to the utmost in defence of his Majesty's Governm^t ; And as the late Appearances of a fondness for removing from hence to Cape Breton seem to be quite vanished at present, I should not be without hopes of some families removing from these Parts to Nova Scotia upon due Encouragement ; Protestants likewise from among the Swiss Cantons & other Northern Parts in Germany, who are generally bred up in the Exercise of Arms and make sober industrious Settlers, might be safely trusted in Accadie ; Great Numbers of 'em Yearly flock into Pensilvania, whereby the Inhabitants in that Province are almost incredibly increas'd within these twenty Years ; And from the behaviour of the Irish coming out of the Northern Parts of Ireland hither, a Number of which is settled in the Eastern Parts of this Province, I should think they too might be safely trusted in Nova Scotia ; and it is certain that these poor unhappy Highlanders (I mean such of 'em as may be design'd to be transported into the Plantations) would be more safely dispos'd of among the four Governm^{ts} of New England, or in New York & the Jerseys, where they would not be in danger either of corrupting the Inhabitants, or being again seduc'd themselves, but might make useful Subjects to his Majesty.

I hope, my Lord, I shall be excus'd if I have gone beyond my Line in submitting these Observations to your Grace, at a time when the fate of one of his Majesty's Northern Colonies, the most important of 'em all to the Crown in many respects, as I apprehend, and which will be in the hands of the french the key to all the other British Colonies upon this Continent, & even to Cape Breton, and in his Majesty's Possession the Barrier of 'em against the Enemy seems to be come to a Crisis.

Mr Mascarene has lately transmitted to me the State of a Dispute between himself & all his Subaltern Officers, which I believe he has forwarded to the Secretary of War; I would not trouble your Grace about it farther than to say, that Confederacies among Subaltern Officers to dispute Orders happen at an ill time in that Garrison, especially when a Disposition among the common Soldiers to desert to the Enemy very much prevails in it; a long Residence there, & the Civil Part of the Constitution, by which I am told, if Mr Mascarene should die or leave the Garrison, the Surgeon's Mate in the Regim^t would as President of the Council have the chief Command in the Province, seems to have in some measure swallow'd up the Notion of Military Discipline, & of obeying Orders among 'em.

I have only to add that I am oblig'd to trouble your Grace with the inclos'd Message to me from the Assembly, which they took Occasion from the inclos'd Paragraph of my last Speech to 'em, to send me; Having represented fully before to your Grace what they desire of me in their Message, I shall say nothing more about it, than that I hope your Grace will pardon any Hyperbole of Expression in it with regard to my self.

I am with the most dutiful Regard, My Lord Duke,

Your Grace's most Devoted and most Obedient Servant

W. Shirley.

[Inclosed in previous Letter.]

Extracts from Governour Shirley's Speech to the General Assembly on the 7th Day of November 1746.

In the mean while, Gentlemen, It must be a sensible Pleasure to you, to reflect how much the seasonable Succours sent from hence, have already contributed to the Preservation of Nova Scotia from its late impending Danger; the great Value & Importance of which Province to the Crown, & all the English Colonies upon this Continent as their Barrier against the French, you are so well acquainted with, that I need not apprize you of it; And I doubt not but you will always be animated with a proper Spirit for Succouring it in any future Emergency, which may require your Aid.

Examined by J. Willard Seëry.

In the House of Represent^{ves} Nov^r 14. 1746, Voted that the following Message be sent up to his Excellency the Governour. Viz^t

May it please your Excellency,

It is with great Pleasure we observe that you have once & again been the Instrument in the hands of divine Providence of preserving the Garrison of Annapolis, & Province of Nova Scotia from the French, more especially in the Year 1744, when by the Forces your Excellency sent from this Province, it was snatch'd out of their hands, then just in Possession of the Fort, & again in the Year, 1745, when they were broke up in their Seige of it, by your surprizing & successful Attempt on Cape Breton, & now again when there was such a Number of Canadeans & others going against it by Land & Sea.

But these things, althô they have been the Effect of great Wisdom, Care & Application in your Excellency, for which every good Englishman rejoices & is thankful; yet they have been perform'd at a great Expense; more especially to this

Province, & therefore we cannot but be much concern'd at the frequent Return of this danger not only because of the great Difficulties in removing it from Time to Time, but also by reason of the doubt, whether by some Surprize, impossible to be foreseen, this Barrier of his Majesty's American Dominions, of such mighty Consequence, may not some time or other be lost, if it continues in its present expos'd Condition.

We would therefore beg Leave of your Excellency, to consider and represent something of the Source, whence this almost constant Danger arises; And this we apprehend to be the Traitorous Disposition and practices of the native Inhabitants of that Province, a People who have all the Priviledges of his Majesty's other Subjects, have increased in wealth & Numbers vastly since they have been under the English Government, live almost or quite without publick Taxes, while we their Neighbours (& greatly by their means) are burden'd almost to ruin, by the necessary Charges of the Government for the Defence and Protection of his Majesty's good Subjects the Inhabitants of this Province And yet they are taught by their Priests to call themselves his Majesty's Neutral Subjects, a Contradiction in Terms, a Set of People who have a right to Protection, but no Obligation to Obedience, who are his Majesty's Subjects, & yet may rebel against him & do what they please, have a Right to be defended by the King, & yet not bound to defend the King, whose Subjects they were born, but may continually supply his Majesty's French & Indian Enemies with Provisions, & give them all Aid, Comfort & Assistance; Sad & unhappy the State of his Majesty's Interest & Garrison there! that what might be hoped & expected to promote their Safety & Prosperity, the great & growing Numbers of his Majesty's natural born Subjects, is their highest & almost only Danger; nor can it be supposed there has been one Attempt this War against his Majesty's Garrison, but for the Assurance the Enemy had, they should

be welcome, & find all manner of Encouragement & Aid, which they have this last Summer & at all other Times met with from those Inhabitants accordingly. And all this without the least Foundation or Colour, for by the Treaty of Utrecht not only the City (as it is called) of Port Royall, then also said to be call'd Annapolis Royall, but all Nova Scotia, or Accadie with its ancient Boundaries, & all other things with the Lands & Islands, but the Inhabitants of the same also are yeilded, & made over to the Queen of Great Britain and to her Crown forever, without any the least Exception, Condition or Reservation.

We would therefore with all Earnestness intreat your Excellency to represent to our most gracious Sovereign the perfidious Behaviour of these Inhabitants with the sad Effects which have already arisen, & the Danger that worse may ensue, That his Majesty in his great Wisdom & Goodness may suppress & prevent this Traitorous Spirit & Conduct for the future.

T. Hutchinson Spk^r

Copy Examined p J. Willard Se^cry.

*Paragraphs of French Letters from Menis to Gov^r Mascarene
in Answer to Gov^r Shirley's Printed Letter Viz^t*

Touts les Habitants de nous lieux et Paroisses ont une Obligation Eternelle a Mons^r Le Gouverneur de Boston pour Sest Sentiments Charitable a Nostre Faveur a nous connu par une Lettre Inprimé noissons et nous voulons de plus en Plus garder nostre fidelité par nostre Serment Inviolable cest a quoi nous esperont Sur la protection de son Honneur et l' Honorable Conseil du Roy par votre Justice ordinaire que nous vous demendons en toute Humilité &c ~

Nov^r 1746 N: S:

Signed by 3 of the Deputies of the River
Canard and Nine more of the Inhabitants in
behalf of themselves and the rest of that parish

Touts les Habitants en General ont une Obligation Eternelle
a L'honorable Gouverneur de Boston pour Sest Sentiments
de Compassion Charitable a nostre faveur que nous a este
Communiqué que nous avous Recu comme des Graces
Generale

Nov^r 1746 N: S:

Signed by nine of the Inhabitants of the Grand
Prée of whom Four are Deputys & also by four
of the Inhabitants of Pisiquit of which one a
Deputy in behalf of themselves & the rest of
their Community

By Order of His Hon^r the President & Command^r in Chief,
the above two Paragraphs are true Copies of their
Originals.

W^m Shirreff Sec^{ry}

A Baubasin

Le 24 Avril 1747

A toutes les deputez des Mines Grandprée Riviere au Canard
Pizaquit et Cobaquid.

Jai ordre de Monsieur le Marquis de Beaucharnois de vous
anoncer quon ne vous abandonera point et que puisque nous
possedons le haut de la Bay francoise comme il long par la
Capitulation et que vous Scavoir que nous lavons aquis par
la force des armes vous devez vous regarder comme reautrez
Sous la Domination du Roy de france qui aidira a conserver
votre Religion qui doit vous aitre plus chere que touts les
biens de la Terre.

Cest a vous autre maintenant a Secondaire les Intentions du Roy et a travaille vous meme a maintenir la Liberté que nous venons de vous procurée par le Coup qui Sest fait Je compte bien Surs vou au cas de Besoin et je vous exhorte entretenir dans la Sentiments de bons françois; et ne vous pas fier trop a Langlois qui au moins vous fera toujours perdre la Religion Sil ne fait pas davantage.

Je suis en attendant un prompt Reponse de votre Part avec un Attachment inviolable

Votre tres humble et tres obeiss^t Serviteur

de Ramsay

Colationé a Loriginal que nous reste
au Gref des Mines le 29^{me} Juin 1747.

Rene le Blanc qui Sous le bon Plaiser de Mons^r Mascarene
Notoire au Mines et autre Lieux.

Copy of a Copy by Order of his Hon^r the Presid^t &
Command^r in Cheif 25 June 1747.

W. Shirreff Sec^y

A true Copy

W. Shirley

Letter Capt. David Cargill to Gov. Shirley.

Boston Ap^r 11th 1747

May it Please y^r Excelency

As I have been much longer detain'd here, than I expected, by the want of money to pay off my Men, I Gratefully Acknowledge your Excelencys goodness, In Indulging me in tarrying until now, when I hope to get my mens Wages soon, and Return with it, to them, I trust your Excelency Remembers what the Settlments where I am Posted suffered by the enemy last year; and as all the settlments Eastwards of us, are broke up, we are now more

* expos'd, to be destroyed than ever, And as my Company which Consists of fourty Eight men are Posted In y^e Settlements of Damerescoty, Shepscot, Witchcasick, and Mounsweig, I would humbly beg leave to Inform your Excelency, that if there is not Another Company Posted in those Settlements or a large Addition made to Mine, the Inhabitants cannot follow any labour, to suport themselves and famelys, without being liable, every day to be Inhumanly Butcher'd by the Enemy, Nor can we guard the Vessels Trading in our harbours for wood, staves, &c.

And as the seed time is now at hand I would pray that your Excellency would speedily order something to be done to Cover the Inhabitants in Planting, Otherwise they will loose the Season, and so have no Crops, I hope the Necessity of what I have Mentioned will Apologize for my troubling you at this time, who am your Excelencys Dutiful and Most Obed^t Humble servant

David Cargill

To His Excel^y Governour Shirley

Letter Gov. Knowles to Gov. Shirley

Boston April 14th 1747

Sir

As the Hind Sloop by some Misfortune or other was forced away to the West Indies last fall and thereby prevented destroying the Enemys Vessels I had Intelligence of in several of the Ports in Accadia and through some unforeseen Accident the Norwich and Canterbury are not yet returned from the West Indies (where I was Order'd to send them during the Winter Season) and I having information that the Enemy are now fitting several Arm'd Vessels with design to Annoy the Fishery and Trade of this Colony and cut off the Communication between this and Louisbourg and I having no Ship or Vessel at present of His Majesty's to send to destroy or prevent their designs (Except the Comet

Bomb who is just come in to fitt and Clean, I beg the Favour your Excellency will represent to the Legislature the pressing necessity there is of sending out some Cruizers in Quest of the Enemy and prevaile upon them to fitt out the Province Frigate and let her be employ'd on that Service till some of my Squadron shall Arrive or some Ship from England.

As the Mast Ships are not yet ready I have directed Captain Gayton of the Mermaid to go and Cruize for the present between this Place and Louisbourg and Search all the Harbours in Accadia and destroy every Vessel, Boat or Bark of the Enemys he may meet and as it will be requisite to have a small Vessel Arm'd go along with him least the Enemy's Vessels should Run into Shoal Water out of the Reach of his Guns I pray the Favour of your Excellency will spare the Province Brigg for that Service and what ever Expence for Wages and Victuals shall Attend Navigating either her or the Massachusetts Frigate I'll take care it shall be Born by His Majesty during the time they shall be Employ'd by Your Excellency on this Service. I am with great respect Sir Your Excellencys most Obedient Humble
 Servant Cha^s Knowles

P. S. As the Massachusetts Frigate — and Brigg will be kept in the proposed Service no longer than you shall think proper and will take their Orders from you I should hope the Assembly will have no Objection to it.

Gov^r Shirley to the Duke of Newcastle.

Boston April 29th 1747

My Lord Duke,

Since finishing Governour Knowles's & my joint Letter to your Grace, I have learn'd from one of the English prisoners

just Arriv'd from Schiegnecto in Exchange for one of the French Prisoners sent by me from Boston, and who was carry'd Captive from Minas, where he was taken by the Enemy in the late Surprize, that when the Canadeans went from Minas to Schiegnecto they march'd out of the Grand Prè about 500, but were reduc'd to about 350 before they reach'd Schiegnecto by several of their party's leaving 'em at every great Village in Minas, thro' which they pass'd which makes it Evident that 150 of the Inhabitants of that District had join'd the Canadeans in their late Attack upon the English at Grand Prè, and may Serve farther to shew your Grace the imminent Danger of all the Inhabitants of Minas's still joining the Enemy, unless speedy measures are taken in driving the Canadeans out of the Country, and Securing the fidelity of the Inhabitants in some better manner than it is at present; and how opportunely the forces sent last Winter from hence to Annapolis, and the Assurances I took the liberty of sending the Nova Scotians that those, who behav'd as good Subjects, sho'd have his Majesty's protection in their Estates, arriv'd there for saving the whole District of Minas from an open Revolt.

This fluctuating State of the Inhabitants of Accadie seems, my Lord, naturally to arise from their finding a want of due protection from His Majesty's Government; and their apprehensions that the French will soon be Masters of the Province, which their repeated Attempts every year for the Reduction of His Majesty's Fort at Annapolis Royal, And the Appearance of the late Duke d'Anville's Squadron from France upon their Coast with that View strongly Impress upon 'em, as does also the Residence of the Enemy in the Province, and the Sollicitations of their own Priests; and to this, I believe, may be added some Jealousy, which the Enemy and Priests are forever instilling into 'em, that the English want only a safe Opportunity of driving all the French

Inhabitants off their Settlements; which thô M^r Mascarene Assures me that his communicating to 'em my printed Letter promising 'em His Majesty's protection, had so far allay'd, as together with the Arrival of the late Detachment of Soldiers sent from hence in the Winter for the Defence & protection of the Province, to disappoint M^r de Ramsay's Attempt upon the Inhabitants of Minas for bringing 'em to an open Revolt, and to make him retire from Minas to Schiegnecto, yet as the hopes, my Letter may have made 'em entertain, have not been yet Confirm'd by Assurances of His Majesty's Royal protection directly from England I cant but think, there is a most apparent danger of Nova Scotia's being soon lost, if the Expedition against Canada should not proceed this year, nor any Measures be taken, or particular Orders be sent by His Majesty for Securing the Province against the Enemy, & Strengthening his government among the Inhabitants, For I perceive that the General Assembly of this Province, from whence only all the Succours & Support which His Majesty's Garrison at Annapolis Royal has hitherto receiv'd for the protection & Defence of Nova Scotia, have been sent, are tired of having 'em drawn only from their own people, and despair of it's being effectual without His Majesty's more immediate Interposition for the protection of that Province; And look upon it as a very happy Incident, that I had it in my power to send M^r Mascarene the Support, I did the last Winter, and beginning of the Spring, out of Levies rais'd for the Expedition against Canada, which I insisted upon doing as they were in his Majesty's pay (thô rais'd for another Service) but should not have been able to do it (I believe) had it depended wholly upon the Consent of the Assembly, thô generally well dispos'd for His Majesty's Service.

I cant omit mentioning here to your Grace the Disappointment, His Majesty's Service in these parts is likely to suffer by the absence of His Majesty's Ships Norwich & Canterbury,

one of 50, the other of 60 Guns, and which M^r Knowles had in the beginning of last Winter sent from Louisbourg, where they must otherwise have remain'd without doing any Service 'till Spring, upon a Cruize to the West Indies with orders to return to Boston by the 20th of March at farthest. These were the Ships of Force, which Admiral Townsend left with him upon his going to England in the fall of the year, and they are now detain'd, as we hear, by the Commander in Chief of His Majesty's Ships at the Leaward Islands upon a Cruize there, so that M^r Knowles is now Oblig'd to Employ the Mermaid, which has Orders from the Lords of the Admiralty to Convoy the Mast Ships home in Conjunction with a Brigantine belonging to this Government, which he has borrow'd of me, and a Schooner which he has hir'd, to Search the several harbours on the Coast of Accadie, and go in quest of four French Store Ships in Bay Vert; and in the mean time all M^r Knowles's Schemes for Acting early in the Spring with the Norwich & Canterbury (which I am perswaded must have been greatly for his Majesty's Service in many respects) are defeated, the Trade on these Coasts must be without protection, and the Mast Ships may possibly be delay'd: And I mention it to your Grace under an Apprehension, that if the Commanders of Squadrons in the West Indies are permitted to detain Ships, upon a Cruize only, from His Majesty's Service in these parts, for which they are design'd by the Lords of Admiralty, and contrary to the Orders they receive from their proper Commanders here, (which I must acknowledge seems to me like making Use of His Majesty's Ships as their private property) The Consequences of it will in all probability be fatal to the publick Service in these Seas: But I suppose M^r Knowles will make a due Representation of this to the Lords of Admiralty that it may be redress'd for the future.

I likewise take the liberty in pursuance of your Grace's

Commands signify'd in your first Letter to me after the Reduction of Cape Breton Viz^t that I should let your Grace know from time to time, what I conceiv'd might contribute towards Securing that Acquisition to His Majesty, to mention to your Grace that as I hear M^r Bastide the Engineer for Cape Breton has desir'd leave to return home to England, I think, so far as I am a Judge in the Case, from the Accounts I have had of Governour Knowles's remarkable Activity & Judgment in carrying on Fortifications, and the particular Improvements, he has made in those of Louisbourg whilst he took the business of Engineer upon himself before the Arrival of M^r Bastide's Commission, that if M^r Bastide should be permitted to quit his post, it would be for His Majesty's Service that M^r Knowles should have the direction of the Works at Louisbourg as Engineer there.

I am with the most Dutifull Regard, My Lord Duke,
Your Grace's most Devoted, and most Obedient, Humble
Servant W. Shirley.

Letter Capt. David Cargill to Sec^y Willard.

Shepscot May 6th 1747

Hon^d Sir

Being cal'd away the next morning after I was with You, had not an oportunity to wait on you Concerning the swivel Guns and Ammunition which His Excelency sent me to you about, and Concerning which he told me he had given You my letter. if it is not slip'd y^r Memory I should be much oblig'd to You to forward it, I cant sufficiently Express the Deplorable state this part of the Country is In, being Almost Every Day Alarm'd with Discoverys of the Enemy, and our Garisons so scattered with so few men In them that we are

in no Condition to help one Another, And our people Almost worn out wth Duty, O that he who brings light out of Darkness may Dispell these Clouds, the Instructions I had from Coln: Waldo for a Reinforcement, weakened me very much for I was Ordered to give Cap^t mCobb half my Western soldiers and to Enlist Inhabitants In their Room wth ten more w^e I told y^e Coln: was Orders Imposible to Comply with, and which I am now farther asur'd of for I cant find so many Inhabitants here that their Circumstances will admit of their Enlisting, tho their is twenty men kept at St Georges More than y^e Court Voted a suply for at y^t place, which I told him of I mean Coln: Waldo when at Boston but found it did Not Relish he told me he tho^t his Instructions would Justify his keeping them there, I am far from desiring that any one of our Infant settlments should be Hurt, but I^m Asur'd y^e Court Never Intended to suply men where there Is no Inhabitants at y^e Expence of Breaking up those settlments where Improvments are Made I Mention the Court in this Because I know y^e Governour gave Instructions Agreeable to y^e Vote of y^e Court, I have Endeavoured to Procure your Wood and have y^e Promise of it If I find it to be as good when I see it as its Cal'd. M^r Smith has promis'd me that he^l Cary it I shall Take an oportunity of seeing this soon and will let you know if it will Answer, I am wth Dutifull Respects Hon^d Sir Y^r Most Obed^t Hble Ser^t

David Cargill

y^e 18th / Since I wrote y^e above I have heard y^t y^e wood I mentioned would not Answer You and I have prevailed with M^r Smith to let you have About Eight Cord of what he has now on board which I know to be very Good and w^a I know of any more y^t will suit I^l let you know it Y^{rs}

D — C

To y^e Hon^{ble} Josiah Willard Esq^r

*Letter Gov. Shirley to the Selectmen of Boston.*Boston June 23^d 1747.

Gentlemen,

I send you the inclos'd Extract from Gov^r Knowles' Letter, that you may Communicate it to the Town in such manner as you shall think proper.

And as I have reason to Apprehend from Accounts I have receiv'd, that the Fuel Already bespoke in some Country Places for the Supply of this Town in the present Year, will be raised before the Winter is over to a Most excessive Price, unless it is prevented by the importing a Considerable Quantity of Wood from the Eastern Parts which may be very ruinous to the Poor of this Town in particular, I would recommend it to You to Consider of some Method for the Encouragement of bringing in a large Supply of Wood from the Eastern Parts, at as Moderate a Rate as may be in which if I can Assist you by granting protection for safeguarding the Men that shall be employ'd in Carrying the Wood to the Vessells & loading it on board of 'em I shall be very ready to do it, or Any thing else in my Power that may be proposed to me for the forwarding of this Affair

Your most Assur'd Friend & Servant W Shirley
To the Selectmen of the Town of Boston.

Letter to Col. Moulton.

Sir,

I have herewith inclosed a Commission to you to take upon you the chief Command of all the Forces in the Eastern Parts; And therefore I desire & direct you to proceed forthwith so far as Falmouth & to make the Disposition of the forces according to the inclosed List. What number

may be wanting more than the Soldiers now in the Service I desire you would inform me thereof as soon as may be. You must get perfect Lists from the Commanders as well of the Garrisons as in the several Forts & Block houses as of the other Companies & Parties of the Officers & Soldiers now in the Service whenever they must note the Regiments of Militia out of which the men were drawn the Time they entered into the Service. And send those Lists to me without Delay that I may know how to make up any Deficiencies that may happen & give order for the Exchange of such Men as have been above a year in the Service. In placing the Men you must have a particular Regard to the Forts & Block houses that they may not be left too weak for defence; And as I perceive there is a discontented & Mutinous Disposition in the Garrison at Richmond, I desire you would see that a few among them who are most mutinous be exchanged for other Men in the Companies posted nearest to them.

A Lhonorable Monsieur Paule Mascarene Escuyer Lieutenant Gouverneur D'Annapolis Royal Commandant en Chef pour le present la Garaison de sa Majesté Britanique President du Conseil D'annapolis Royal.

Monsieur nous prenons la Liberte de vous recire celle icy pour vous assurer de nos tres humble Respect et d' un entiere Soumission a vos Ordres il est vray que il y a longtans que nous nous point este randre nos Soumission au Gouvernement mais nous vous prions de vouloir considre comme nous some et toujours Les jean de Guerre che nous passe et repasse et meme nous faire marché ou bon leur Semble a fait que nous es peu prandre aucune Mesure Les un avec les autres pour cet Efet Mais Monsieur Soyer persuadé que nous sommes toujours les memes que nous onte estre par le passe et nous

ne Deligueront point dun Seule point a nostre Sermant de fidelité et meme Mons^r si vous juge a propos que nous alions randre Conte de nos Actions au Gouvernement nous prete de marche a vos Ordre, voila Monsieur avec Sincerite nostre Sentimant et de Garde inviolablement de vostre

Nous sommes de vostre honneur vos tres humble et

Obeissant Serviteur Les Deputez de Cobequit

Marque X de Longope

Marque X de pierre Goudot

Cobequit 27 Juin N. S.

Francois Michel

Francois Jernot

Copy by Order of his Hon^r the Presid^t & Command^r in Cheif Compar'd with the Original 25 June 1747.

W. Shirreff Sec^y

A true Copy

W. Shirley.

Declaration of French Inhabitants.

Monsieur

Les Habitants des Mines de different Departements en generale prenne la Liberter de vous remercier des Sentiment Charitable quil resoive de vostre par dans letat et la Situation ou ils se trouve a present et des veritable Sentiment ou ils sont de ne jamais changer eux ou les Posteritez envers leur Patry, quil ont a Coeur de ne en Rien changer il prenne la Liberter de vous representez a quoy il ce voyent exposer il voyë la Conquestes qu a este faite par vos armes quil a plus a dieu de bennir, leur Serment envers la Gouvernement qui leur lie les bras jusque a ce quil soit relever de leur Serment de fidelité qui leur doive qui leurs lie les Bras jusque a ce quil en Soit relever il se voyant eux et leur Famille exposes a une Ruines entiere les dernier mois il sont venu derechef avec

des force a nous raiduire en nous Somment de nous declarer obligeans les Habitants dambarques dans leurs Navire pour rasurer la Continuation de nostre fidelité que nous ne pouvons faire autrement que dobeire par des force major avant et apres Serment prester nos Superieurs tans de Louisbourg que de Canada nous on toujour exorter de nous menager ce que nous orion bien Besoin par nostre foible genis ainsis Monsieur nous vous prions de regarder nostre bon Coeur et en meme Temps nostre Impuissance pauvre Peuple chargez la plus part de familles nombreuse point de Recours Sil falois evacuer a quoy nous Somme menacez tours les jours qui nous tien dans une Crainte perpetuelle en nous voyant a la proximeter de nos Maitre depuis un Si grand nombre darmes nous pauvre Habitants si peu eclaires nous ne pouvons que Suivre les idez que la Nature nous a fournig ainsi nous esperons que vous entrez dans nos peines en demandant l'honneur de nous dire en generelle d'un Respect tres profond.

Mons^r Vos tres humble et tres Obeissant pou Copis
Serviteur le sous Signez

des Minas

rene Blancher

Ce 24 May

Jos X leBlane M x de francois

1747

Granger

M O de Batiste daigre

François Caudry

A l'honorable gouverneur

au fort d anapolisse royal Les Habitants des diférant
departement Suply tre humblement tous les puissance qui
voudrons en Reconoitre combien il nous est d importance de
raipondre aux francois et aux Anglois toutes alafois ce que
ne peuvent faire Sans peutaite faire de la penne, la nous
prions de vouloire bien consider nostre fidelitez depuis la
guaire commancer jusque a present que nous avons a Coeur

de bien garder voyez aussy les Ordre que Mons^r de Ramsay nous a anvoyer a quoy il nous a fallu raipondre.

Copy by Order of his Hon^r the Presid^t and
Command^r in Chief Compar'd with the
Original 25 June 1747

W. Shirreff Sec^y

A true Copy with the Mispellings.

W. Shirley.

A Lhonorable Gouverneur

Nous deputez Soussignez nous navons pas manqué d'anvoyer vos ordre a Mons^r de Ramsay aussitot refus il m'a point de Nouvelles dans nostre pay appresant a vous informez nous Somme avec tous le respect qui vous est du Monsieur

Nostre humble et tres Obeissant Serviteur le Deputez
Aux Mènès Rene Blanchair

Ce r^d de juillet

Ma X de francois granger

1747

M X de josph le Blane

Monsieur faites nous lamitier de nous anvoyer
du papier Sy vous plais nous non navons plus.

Copy by Order of his Hon^r the Presid^t and
Command^r in Chief compar'd with the
Original 25 June 1747

W. Shirreff Sec^y

A true Copy

W. Shirley

Mr de Ramsay's Declaration.

Nous Capitaine et Commandant Le Detachement du Canada.

En Vertu des ordres, que j'ay reçu de Monsieur le Marquis Beaucharnois, Gouverneur General de toute La Nouvelle france, qui me Commende de vous ordonner de prendre les armes contre les Ennemies de Majesté tres Chretienne,

dont voicy ses parolles;" nous nous regardons aujourd'hui Maitre de Baubassin et des Mines puisque nous en avons Chassé les anglois; ainsi il ny a aucune Difficulté de forcer les Accadiens a prendre les Arms pour nous, et de les y Contraindre; leur declarons a cet Effet, qu' ils sont dechargé du Serment preté, cy devant, a L' Anglois, auquel ils ne sont plus obligé comme il a été décidé par nos puissances de Canada, et de Monseigneur notre Evesque ce Consideré, nous ordonnons a tous les habitants de Memeram conque, de se rendre icy, avec leurs Armes sitot qu'ils veront les feux Allumez, ou qu'ils auront Connoissance de L'ennemi sous peine de la vie, de Confiscation de tous leurs biens, de faire bruler leur Maison, et d'estre punis comme rebelles a nos ordres du Roy; fait a Beaubassin le 25th May 1747

Original sign'd

D^e Ramsay.

Annapolis Royal 18 July 1747.

Copy compar'd with the Original brought by the Deputys from Chicaneeto.

W^m Shirreff. Sec^{ry}

True Copy

W. Shirley

Gov^r Shirley to the Duke of Newcastle.

Boston New England August 18th 1747

My Lord Duke,

I have the honour of receiving by his Majesty's Ship Scarborough your Grace's Letter of the 30th of May, with several Papers inclos'd, and a Packet from your Grace directed to M^r Knowles, which I immediately forwarded to him at Louisbourg; And I beg leave to assure your Grace in general, that I shall employ my utmost attention & Diligence in Concert with M^r Knowles, as soon as we shall meet, for carrying into

Execution his Majesty's Commands signified to us by your Grace, in the most effectual manner.

I perceive by the imperfect News, which your Grace at the time of writing your Letter had receiv'd of the Surprize of the Detachment of New England Troops by the Canadeans at Menis last Winter, that none of my Letters giving an Account of it to your Grace were then arriv'd, and lest all of them should have miscarried I shall briefly recount it here: M^r de Ramsay had retir'd with his Party from the District of Annapolis, where he had incamp'd at about a Mile's distance from his Majesty's Fort, upon the Arrival of the three first Companies, I sent these in September or within a day or two after, and fix'd his Quarters at Menis the Granary & most populous District of Accadie; after this the sending of the remainder of the Levies, which I design'd for M^r Mascarene's Reinforcement, was stop'd upon the Arrival of the French Armament under the Command of the late Duke d' Anville in the Harbour of Chibucto, that being in appearance so strong as to make us give up in our Expectations his Majesty's Fort and the Whole Province for lost; But upon that Squadron's quitting the Coast I sent another Detachment of five hundred Men to Annapolis Royal, four Companies of which arriv'd there in November, upon which M^r de Ramsay after having in vain made his utmost Efforts to bring the Inhabitants of Menis into a Revolt, upon a Suggestion that the Force lately arrived was design'd to drive 'em from their Settlements, and therefore exhorting 'em to join with him and stand on their defence, quitted that District & retir'd with his Party to Schiegnecto; and soon after a Detachment of about five hundred of the New England Levies march'd into Menis, and there expected the Arrival of three hundred Levies from Rhode Island, and of one more Company from this Province to join 'em in order to go in pursuit of the Enemy to Schiegnecto, & drive 'em out of the Province. But

being by tempestuous Weather disappointed of that Reinforcement it was judg'd that they were too weak to venture after the Enemy into Schiegnecto, but that it was necessary they should winter in Menis to keep the Enemy out; which they accordingly did 'till February, when the Canadeans & French Indians after a very hazardous March of nineteen days thro' the Woods, at a Season of the Year when it is thought impracticable, having the Advantage of Support & Intelligence from the Inhabitants, came by Surprize in their Snow Shoes upon the New England Troops at Midnight, immediately after a violent Storm of Snow, which lay deep on the Ground, and having surrounded every House in Menis, where the principal officers were quarter'd, attack'd 'em, kill'd the Commander in Chief and his Brother after exchanging several Shot with 'em, and rushing into many Houses kill'd 60 Men, and made 30 Prisoners; But being repuls'd at several Houses with loss, amounting in the whole to about that of our own Men, (who at day break recover'd their main Guard) and growing sick of their Enterprize, they first propos'd a Cessation of Arms for two hours, and afterwards offered to permit the King's Soldiers to march out of the Place and retire to Annapolis Royal with their Arms, Drums beating and Colours flying; to have Liberty to bury their Dead & carry off what was necessary to support 'em in their March; the French to take care of the sick and wounded English, and send 'em to his Majesty's Fort at Annapolis at their Expence; which Terms our Men who were cut off from their Ammunition, Provisions & Snow Shoes in a Country well affected to the Enemy, accepted, and agreed to quit Menis, & to bear arms within that District for 12 Months: This was the Issue of that Action; after which the Canadeans, who it was expected would have kept possession of Menis, did not think fit to venture to stay there, but within a few days withdrew to Schiegnecto.

Upon advice of this Surprize, imagining that the Enemy might endeavour to make an Advantage of his Majesty's Troops quitting Menis by Capitulation, as they really afterwards did, to prevent any Claim from 'em on that Account, I immediately sent Mr Mascarene another Detachment of the Levies from hence, which with others in the Garrison, who were not restrained from bearing Arms, might be a sufficient force to take repossession of Menis, & oblige the Inhabitants to renew their Oaths of Fidelity to his majesty, which was accordingly done, and, as I apprehend takes away all the Enemy's pretence of Title to Menis grounded upon their Advantage gained in the late Surprize there.

Ever after this the Canadeans confin'd themselves within Schiegnecto, where they remain'd 'till about ten Weeks ago, and then abandoned the Province & return'd to Canada, after being baffled in all their Attempts, both against his Majesty's Garrison & upon the Inhabitants to bring 'em into a Revolt, by being first oblig'd to quit Annapolis Royal, and afterwards Menis; so that thro' the before mention'd Accidents the Detachments of Levies which I sent over to protect the Garrison & Province did not immediately drive the Enemy off the last Year, yet they finally oblig'd 'em to quit it; by which means I hope it may be more practicable to put the Province into a better State of Security before the Canadeans renew their Visit, which may be expected every Year during the War.

I shall in pursuance of his Majesty's Commands, issue a Proclamation in his Name for settling the Minds of the Accadians; I did the last Fall publish a Declaration in French, assuring 'em that the Report spread among 'em of a Design to drive 'em off their Settlements, was groundless, and that I was perswaded such of 'em, as should keep their Fidelity and Allegiance, would be protected by his Majesty in the Enjoyment of their Estates, for which Purpose I should make a

favourable Representation of 'em, and recommend 'em to his Majesty &c^a; which had a very good Effect to frustrate M^r de Ramsay's before mention'd Attempt in Menis to work 'em up to a Revolt, under the Name of standing upon their own defence; and produc'd the strongest professions of fidelity from 'em and thanks to me for my Declaration; so that I doubt not but a Proclamation in his Majesty's Name will absolutely confirm the best dispos'd among 'em in their fidelity, & have a good Tendency to fix the Dispositions of others that may be wavering.

About three Months ago Governour Clinton advis'd me that the New York Levies, and those of the several Colonies Westward were grown mutinous for want of their Pay, that they had deserted in Bodies, and he fear'd the worst of Consequences from their present Disposition, that to pacify 'em he had promis'd 'em part of their Pay, but the commanding officer of the New Jersey Levies having paid those Troops their full Pay, he was oblig'd to do the same to the others. Your Grace will easily imagine that this necessarily begat a general Discontent in the Levies of my own Government, and the Assembly thereupon requested me to advance their Pay to them; However I have not yet exceeded the rate of two pence a day in what I have advanc'd to the Men; which leaves room for all possible Stoppages to be made. But if the Levies of the Colonies, I have mention'd, have actually receiv'd their full Pay, I am afraid, my Lord, it will throw an insuperable Difficulty upon M^r Knowles and my self to curtail the Pay of the others; However I shall shun no Difficulties in this or any other Part of the Service enjoin'd me; As to the Officers, I have hitherto resisted all Sollicitations for advancing any of their Pay, as also for giving second Year's Cloathing to the Men; which is not, I believe, the Case in every other Colony.

I shall observe your Grace's Orders as far as it is possible

for drawing no more Bills; My drawing of Bills for Arms & Cloathing for purchasing of which the Money has been advanc'd here above fifteen Months by the Merchants, who receiv'd no Commissions for transacting the Business, was unavoidable; and I had no other method of executing his Majesty's Commands in providing the Arms and Cloathing but by taking up Money of the Merchants to be repaid in Bills of Exchange — The Assemblies in the Colonies have conceiv'd a Jealousy of some standing, that greater Difficulties attend the Repayment of Money advanc'd for his Majesty's Service by a Government, than those advanc'd by private Persons: and it has been a Maxim in this Province in common Cases for the Government (where they have advanc'd the Money on his Majesty's Account, & run the Risque of re-payment of it) to transact it by private Merchants, and have the Bills on the Government at home drawn in their Names: But I shall use my best Endeavours to induce the Assembly in this Province to comply with what his Majesty orders me to recommend to 'em in this Case; and if I can effect it, that may possibly influence those of the other Governments.

It was also unavoidable for me to draw Bills for the extraordinary charge of transporting & Victualling the Levies, which I employ'd in the Protection of Nova Scotia; The Assembly absolutely refus'd to bear it, and it was with difficulty that I engag'd the Soldiers rais'd expressly for another Service, to go into it; But it was necessary to be done for the immediate preservation of that Province, and therefore I hope it will rather meet with his Majesty's Royal Approbation, than be disapprov'd, & that the Bills, which I have thus been oblig'd to draw for his Majesty's Service, will be paid.

I may in particular assure your Grace, that the French Armament under the Command of the late Duke d' Anville arriv'd in Chibucto Harbour in a shatter'd & weak Condition,

yet if I had not happend immediately before that to have reinforced the Garrison at Annapolis Royal with three Companies, and Admiral Warren, then at Boston, sent his Majesty's Ship Chester into Annapolis Basin, Upon which M^r de Ramsay decamped from before the Fort, and retir'd to Menis, the Enemy might, & doubtless would have immediately equipp'd & sent round to Annapolis Royal some Frigates with Artillery & Troops, to have join'd M^r de Ramsay & reduc'd the Garrison; But they were discourag'd (as we were assur'd by some English Prisoners who were carry'd into Chibucto whilst the french Squadron was there) from attempting it, upon Intelligence of the reinforcement I had sent there, (the Number of which was likewise increas'd to 'em by M^r de Ramsay) and by the Basin's being guarded by his Majesty's Ships Chester & Shirley — M^r Mascarene's Last letter to M^r Fox, I find, attributes the Preservation of the Garrison & Province from falling into the Enemy's hands to these seasonable Succours sent 'em by me; as does, I believe, one or more of M^r Knowles's Letters to your Grace; And I hope there can be no room for your Majesty to doubt of it — And as to the Importance of the Service, it has ever been, my Lord, my fix'd Opinion, to which all persons whom his Majesty's Service has led me to consult upon this Point, particularly Admiral Warren & M^r Knowles, have agreed, that the Loss of Nova Scotia would not only greatly facilitate the Recovery of Cape Breton to the French, but, if held by 'em, forthwith give 'em the Mast Country, the Fishery & chief Navigation of these Seas: And in one word, my Lord, if any thing valuable can arise to the British Dominions from the Northern Continent's being in the Possession of the Crown of Great Britain, the Province of Nova Scotia, which ought to be made the Barrier of it against the French, should be preserv'd at any rate from falling into their hands, whilst Canada remains in their Possession.

The Money for paying the two pence a day, which I have advanc'd to the Men, and for which I have drawn Bills, was taken up of the Merchants some Weeks ago, and not to be recall'd; But I stood out before I made that payment to any of the Levies, except those sent to Menis, 'till the Mutinous Spirit was grown high in the Western Levies, and had begun to infect those of this Province, & I was constrain'd to it by the Practice of other Governments.

I shall observe to the utmost of my Power his Majesty's Commands for compleating my own & the other Regiments at Louisbourg, with that of Phillips's, out of the American Levies, and retaining such a number of 'em, as shall be thought necessary to be employed in his Majesty's Service for the Security of Nova Scotia; But as part of the Terms of my Proclamation, and I believe of those of the other Governments founded upon his Majesty's Orders contain'd in your Grace's Letter of the 9th of April 1746, for encouraging Men to enlist for an Expedition against Canada, were that they should be discharg'd at the End of it, I would submit to your Grace's Consideration whether any of 'em, that shall not voluntarily enlist de novo, can be retain'd at the End of the Expedition for another Service, against their Will.

I have only to add, that upon my communicating to the Assembly such Parts of your Grace's Letter to me of the 30th of May, as it was proper to lay before 'em, I had the Pleasure to observe that the Account there given of his Majesty's paternal Care for the Protection & Welfare of his Northern Colonies, and the late Vigilance at Sea so happily exerted therein, fill'd their hearts with a grateful Sense of his Majesty's Goodness, and gave 'em extreme Satisfaction.

I have the honour to be with the most dutiful Regard My Lord Duke

Your Grace's most Devoted and most Obedient,
Humble Servant

W. Shirley

P. S.

By a french Flag of Truce just arriv'd here from Quebeck with 171 English Prisoners, I have an Account that 9 Ships, most, if not all of 'em french Transports that had escap'd Admirals Anson & Warren, were arriv'd there, with one Swiss & one, if not two french Companies of Troops.

Mr Bollan to the Duke of Newcastle.

Westminster Aug^t 19th 1747

My Lord Duke

The province of Nova Scotia being, in my humble Opinion, in a much more dangerous Condition than seems to be generally Apprehended, I think it my Duty to Represent to your Grace it's present state, together with such Matters as I think any wise relates to its preservation.

Upon the Defeat given to the New England Troops at Minas the Enemy became possessed of the whole province, saving that the English Continued to hold the Fort of Annapolis — Minas is the principal settlement in the province, & seated in the Heart of it, and Annapolis is as it were in a Corner, having by no means the Command of the Country. The Defeat we receiv'd at Minas was given by a party whom Mons^r Ramsay Detach'd from his head Quarters at Chignecto, a place convenient for his receiving succours, and which afterwards return'd thither to him, where he still Continues, and doubtless has been fortifying himself, unless his apprehensions of Danger have been so small as to make him think that unnecessary. All the Indians in the province Are at open Enmity with us, and in strict alliance with the Enemy, the whole Trade of the Country is, and for a considerable time past has been, in the Enemy's hands; the Inhabitants taking all their Iron, Salt, & other Necessaries from them,

and giving them in Exchange all their product. And as the Fort at Annapolis is the only strength whereby the English hold any possession in this Country, if it be Consider'd that the Governor by his absence or otherwise is incapable of taking proper Care of it — that the Commander in Chief on the Spot and the other officers are not so well United as all well-wishers to his Majesty's Services would Desire for the Security of it — that this Garrison has not always behav'd in the best manner — that of the Soldiers which during the War have been sent to strengthen the Garrison but few have arriv'd, and some of them on Declaring themselves roman Catholicks have been sent away — that of those who are there Many are aged & Infirm, and the rest so Dispos'd to Desert that it has been a standing order given to the New England Troops to Watch & prevent it — that the Enemy from the Circumstances of the Garrison & Country gett constant Information of all our Measures, whereas we have little or no Intelligence of their Motions, so that when Mons^r Duvierer Came to lay Siege to the Fort the first Knowledge the English had of an Enemy's being in the Country was by their killing several of the Garrison, whom they found in the Gardens near the ffort, if these things, my Lord, together with the Weakness of the ffortification, and the Dispositions of the Inhabitants in general be Consider'd (without weighing other dangerous Circumstances too many to be here Enumerated) it will then appear what a slender hold we have of this province. It must also be observ'd that the ffrench, according to their wonted policy & Diligence, Use all methods to Encrease their Influence over the Inhabitants; by burning their houses, & other like Methods, they Distress to the utmost such as have on any Notable occasion serv'd the English; and by kindness, Justice & prudence they labour to Gain the Affections of the rest already too much Inclin'd to them. when Mons^r Duvierer laid siege to Annapolis, he gave Bills to the

Inhabitants for the Supplies he had of them, upon Mons^r Bigoe, late Intendent at Louisbourg, and when Duke D'Enville went last year to reduce that province to the ffrench King's Obedience, Mons^r Bigoe went with him, & paid off these Bills in ffrench Crowns, as they were brought to him by those to whom they belong'd, And the Bills given for Supplies by the other ffrench Coñanders are daily Negotiated between the Inhabitants and the ffrench Traders from Canada, Whereas on the other hand, when the English lately went to Dislodge the ffrench at Minas, ffive hundred of our people were oblig'd to live upon the Inhabitants near six weeks, for which not a farthing has yet been paid them: and the Indiscreet mention that has been frequently made by our Officers of Extirpating all the Inhabitants (a most dangerous if not impracticable scheme) with other motives, had before our Defeat at Minas so far Influenced the minds of the Inhabitants, that had not M^r Shirley's preventive Letter Come seasonably among them, they would very probably have Declared themselves openly for the ffrench, and taken up Arms in Conjunction with them.

As to the Importance of this province, so much has already been laid before Your Grace on that head, that I shall now only Observe, that a part of it is Equal to the whole Island of Cape Breton — that the Enemy's protection of the former will render the latter very Insecure to us — that this province when entirely gain'd by the Enemy will be to them a stable foundation whereon to build that powerfull Dominion, which they Endeavour to raise in & form that Quarter of the World; and the Loss of it will have terrible Effects upon our ffishery, our possessions upon the Continent, and the Coñmerce of all our Colonies, And, under your Grace's favour, I apprehend this Loss must give such a Wound to the British Interest as no Time or policy can cure, without a very great Expence of Blood & Treasure, if at all. ffor these reasons,

my Lord, the French have Ventur'd so much and so often in trying for it, And as the price is so great, their present hold of it so Considerable, and their Chances of gaining it so many, it must, in my Opinion, my Lord, be Expected that they will Continue their utmost Endeavours to Complete their Designs. Part of the Mast Country is already lost to England, and the remainder must be either lost in Nova Scotia, or soon follow it, the Enemy not long since had it in Consultation, as I am credibly Inform'd, to Destroy by the Indians our growing Masts, a few strokes of an Ax being sufficient to spoil the finest Mast the King has, but they determin'd to forbear it, upon the prospect they had of gaining the Country for themselves; which prospect their great Vigilance & Application have since Mended — Fortune has hitherto been against them in the Course of War in this Quarter, they have lost their Fishery, that great source of wealth & Naval power, they have lost Cape Breton, & ten or twelve sail of Men of War in trying for Nova Scotia; And yet they hold up their heads, they Support their Colonies, keep up the Spirits of their Indian Allies, And together with them make daily Incursions into the English Territories, penetrating deep into several of their chief provinces, killing some, Carrying others into Captivity, and driving away the rest of the Inhabitants, burning & Destroying their Habitations, laying waste great part of the Country, Hoping thereby, among other advantages, to prevent succours being sent to Nova Scotia, over which they keep a Constant Eye, looking upon it as the principal point, which must one Day Determine the power & Dominion in the Continent of America to the English or French. Under these Circumstances the Spirits of the English Colonies languish & Decay, while the French daily grow bolder, so that by dint of perseverance & publick spirit, they bidd fair for Carrying their main point at last, against a superior force, Nay, even against Fortune herself.

Enough, My Lord, I believe, has been said on the foregoing Heads, I hope not more than the occasion requires or Deserves, wherefore I shall hasten to Consider, what I am sensible will be more Agreeable to your Grace, the Means of preventing this Impending Mischief; And for the better Discernment thereof I begg you will Consider how this province has been hitherto saved. Upon a review of the Means of it's past preservation, you will doubtless see that the Succours sent by the Massachusetts province have divers times saved it, when in imminent Danger, The Massachusetts people now make, I Believe, the chief strength of the Garrison; and I think the aid of that province will Continue very usefull if not necessary to preserve the other; Your Grace will therefore please to Consider their Condition, And how they Came into it. in order to Judge whether farther assistance can reasonably be expected from them; they are in that Distressed State which has been already Described, or rather in a much Worse, for they are not only so harrassed on every side by the Indians, that their Settlements both Eastern & Western are daily breaking up, but the Country is draind of men, is greatly in debt, it's Trade daily Decreasing, it's Currency constantly ffalling, and that so Intollerably fast that no Man living can Tell how to Carry on his Business, and not to dwell upon particulars, the Circumstances are so wretched, that unless some Alteration be speedily made in them, they must be quite ruined and broke up; and what makes Misery itself more grievous to them is the Consideration that theirs is Owing to their publick spirit and their publick services, I mean in taking & securing Cape Breton, and preserving Nova Scotia, and to their want of that support which they Expected from hence. Had they not taken Cape Breton it must, I think, have remain'd in the hands of the ffrench, And the English must long since have lost Nova Scotia, with a great part of their Cod-ffishery, at least, and the Security of all

their possessions on the Continent must have been Shaken, And their Trade to the East as well as the West Indies must have suffered — There is one particular I must also begg leave to observe, the Governour of Canada some time ago sent a Message to the Six Nations of Indians wherein he told them that “he took pity of their Brethren at Albany and “would from that time Turn his Indians from that place “on their most Inveterate Enemyes of New England.” Now when the Enemy turn the Edge of the sword against this Colony in particular, in Consequence of their special services, will not the Colony want, my Lord, special Support & protection, instead of being able to give it; I am sensible they Are in a short time to be reimbursed the Expence they were at in taking & securing Cape Breton, this when Discharg’d will be some Considerable relief to their present Distress, but will by no means Redress all their Grievances; And the Delay of this partial remedy has already Multiplied, and still Multiplies greatly their Distress; they are now Unable to stand their own Ground, so that I Think it cannot be supposed They will Attempt to support others, without being first strengthen’d themselves. wherefore, for the good of his Majesty’s service, as well as other reasons, in my humble opinion, Justice should be done that province as soon as may be, and a tender regard had for them, so that by recovering their spirits they may be able to hold up their heads against those Enemies, which their publick spirit & good behaviour have raisd up against them; and to go on to Assist in preserving Nova Scotia. As to the other Measures proper to be taken for that End, I submit it to Your Grace’s Consideration, whether after the Manner of the Romans of old, it may not be right to Commit this province to some person, equal to the Undertaking, Granting him sufficient authority, Force & Money to Drive out the Enemy, secure the Country effectually, and settle it upon a proper Foot, Making it (as

it is Capable) to become, instead of a Gangreen, a sound & Usefull part of the Body politick leaving particulars to his Discretion to be Exercised upon the Spot. If this should not be thought proper, as the Country must soon be wholly lost in the Judgement of every Man I believe, who is Acquainted with its Circumstances, if some proper Expedient be not soon found out to preserve it In order to this I submit it to be Consider'd, whether it be not necessary that Mons^r Ramsay and the party under his Coñmand be immediately driven out of the Country, he having now been there a Year and half or upwards; and that the various proposals that have been made for securing the province may be review'd particularly those made by M^r Warren, M^r Clark & my Self; and those since made by M^r Shirley & M^r Knowley, who propose among other things a ffort at Chibucto, a Block house at Minas, and a ffort at the Isthmus, near Bay Vert; if neither of these setts of proposals shall be Approv'd, then I would humbly propose that a ffort be built at the Isthmus, which will be of service to Coñmand the Indians, & other Inhabitants in the province, and to prevent the Enemy's Entrance into it, Cutting off their Trade & Communication with the Inhabitants. And by a well regulated Trade, and other proper Measures, I think it not Improbable that the Indians may be brought into an Alliance with Us, which, if obtained, I apprehend would at any rate be better & Cheaper than to Continue at War with them — that the Garrison of Annapolis be fill'd up with a proper Compliment of Men, & put in the best order possible — that Capt Gorham's Company of rangers be Completed & kept on Foot, Because, without such a Body of Men it will be in the power of a few Enemy-Indians to Block up, in a great measure, the ffort of Annapolis, even when full of regular soldiers, And, because they will be necessary for marching thro' the Woods, and among the Inhabitants, to whom they are far more terrible than

European soldiers, and whose services Experience has prov'd so great, that nothing farther need be said of them — that some Measures be taken to Appease the Minds of the Inhabitants, & Attach them as far as may be to the English; let what will be done in other respects, with Submission, I think it absolutely necessary that Care be taken in this particular, and that as soon as may be; ffor as there are at least ffive or six thousand of them, All to a Man well Acquainted with Arms, if they once draw the Sword for the Enemy, the whole Affair will soon be at an End. And as this is a point of the last Consequence, it is also Attended with many Difficulties, arising from a Variety of Matters too many to be here related; After giving all possible Attention to it, and frequently talking with Capt. Gorham upon it, whom I have found perfectly well Acquainted with the Country in general, and with the Temper and Dispositions of the Inhabitants in particular, in my humble opinion, it will be for his Majesty's Service to pardon every one all past offences, except those who have taken up Arms; and to assure them of the Enjoyment of their Estates, and, as far as can well be done, of their Religion likewise.

I have the honour to be with the greatest respect, My Lord Duke,

Your Grace's most Devoted and most Obedient servant
W Bollan

Duke of Bedford to the Duke of Newcastle.

St. Albans Sept: 11th 1747

My Dear Lord

I have read over the letters your Grace sent me by Mr Cleveland, and do think the proposal made by Governour Shirley in his letter of the 8th of July last, a very good one

and the most likely to preserve Nova Scotia from falling into the Enemies hands. But it is still lyable to two very great objections, the one the great expence of raising 2000 Men out of the Massachusetts bay, who are designed to be left at Shegnectoo, in the room of the French inhabitants, to w^{ch} must be added the great expence w^{ch} will be incurred by the reciprocal moving of the families of the two nations to their respective Settlements, and w^{ch} will I apprehend deter Mr Pelham from coming into a measure, w^{ch} must unavoidably bring on so great a publick expence, all w^{ch} must be paid (if undertaken) by the Government here. The other objection is the lateness of the Season, w^{ch} I fear is too far advanced, to admit of any operation to be begun, in those Countries, especially as y^e orders for putting it in execution are not yet sent from hence. As this last equally holds against Mr Boland's proposal for the whole to be effected by the Garrison of Louisbourg w^{thout} having recourse to the Levies from New England, I shall not mention any others concerning it. I hope your Grace will think proper to give all due encouragement to Captⁿ Gorham, whose Service now with his Body of Rangers, is more than ever absolutely necessary for the immediate preservation of the Province of Nova Scotia.

I am with the truest regard My dear Lord

Your most faithfull humble Servant

Bedford.

Extracts of a Letter from Governour Clinton to Governour Shirley & Governour Knowles dated Novem^r 10th 1747.

The Assembly having refus'd to advance any Money or give Credit for the Pay due to the Forces levy'd in this Province, I have try'd the other Method propos'd by Your Excellencies of getting Money of the Merchants but I can

procure not one farthing from them on the Terms mention'd in your Excellencies Letter, so that nothing now remains but to give Certificates of the Pay due, unless I venture to draw upon the Crown in the usual Manner I have done.

Upon this Occasion I must observe to your Excellencies that all the Forces posted at Albany, those of this Province as well as others, have ever since they march'd to Albany been upon actual Duty, & frequently Duty of as great Fatigue & Danger, as any of the Forces in Flanders, & perhaps greater, as they had to deal with Indians in thick Woods & Swamps, such as are not in Europe, besides the Hardships they have been expos'd to for want of regular Quarters, whereby they were oblig'd to encamp in the coldest Weather, which prejudic'd their Healths. Therefore I think there can be no Pretence to make the Abatement in their Pay: Indeed I am perswaded that such a Proposal must have a very bad Effect upon the Minds of both Men & Officers.

I have sent your Excellencies the Form of a Bill of Exchange, whereupon I may have some hopes of getting Money to discharge this Service, & w^{ch} I conceive will be a sufficient Reason for drawing, if your Excellencies concur with me therein, otherwise many People must be Sufferers for what they have advanc'd & disburs'd by my Orders in the Course of this Service, & which in Honour I cannot see done.

Examin'd W. Shirley.

Brigadier Dwight to Gov^r Shirley.

Sir,

I beg leave to lay before your Excellency the Representation of the several Captains in the Regiment raised for his Majesty's Service for an Expedition against Canada which I

have had the Honour to Command, a Copy whereof is Inclosed, and which I pray your Excellency to take into Consideration — And Suffer me to observe that the Non Commission Officers & private Men of this Regiment were stout and able bodied Men well Enured to Hardships, & used to their Arms, and thereby render'd equal at least for the Service they were destin'd to any Veteran & well disciplin'd Troops, many of them having distinguished themselves as well at Cape Breton as at N^o 4 Fort: And in Loyalty to the best of Sovereigns Inspired with a Spirit of Resolution and fairness of Mind freely offered themselves to this Service with a principle View to contribute their part towards putting down the Power & Pride of France the King's most Inveterate Enemy, and to Enlarge his Dominions in North America thereby to Extend his power, and make him great as he is Good; thô they knew at the same time that 6^d Sterling p day clear of Stoppage was not a third part of what is paid in this Country for common and ordinary Services, no way proportionable to the Fatigues of a Camp. Now I pray your Excellency to Consider whether the Advantage of the Crown in punctually paying off at a good Rate, Men of such Loyal, Generous & Good Dispositions will not Outweigh that of saving a few 4^{ds} with the Discouragement & Loss of such a Temper in the King's Subjects, Whereby it will be rendered impracticable upon any the best Concerted Measures (be the Emergency what it will) to raise the like Number of brave Men in New England.— As to their Arms when some of the Men moved the Question whether they were given them as part of the King's Royal Bounty for their Encouragement to Enlist themselves in His Service; I had so much Confidence in His Gracious Intention it should be so, I told the Men that if they were ever required of them even if I my self should do it they were not to obey me, but as the Officers were to be Accountable for them in Case they be not re-deliver'd, I

stand ready to Account at what time I am called. And as to the probability of the several Captains recovering the Arms from their respective Companies you are not unapprized that since the men have been call'd off from the Frontiers they having no Subsistence Allow'd them were under Necessity to repair to their several Homes; and I know of no method for an officer now to possess himself of the Arms but by calling the Men together from all parts of the Province at his own or their Expence drawing the Men up into a Body, ordering their grounding & laying down their Arms, facing to the Right about and March, when they have so done, the officers may possess themselves of their Arms, & read their dismissal, and the Consequence of that, arising from the Enraged Spirits of the Men is not difficult to foresee.

Wherefore I pray with the Officers of my late Regiment that the Non Commission Officers & private Men may be Allowed to retain their Arms and have their Pay augmented.

I am Sir, your Excellency's most Obedient and most humble Servant

Joseph Dwight

Copy Examin'd W. Shirley

Letter Simon Frost to Josiah Willard Sec^{ry}

Kittery April 2, 1748

Hon^d S^r

Since my Return home, have been inform'd by an Attorney Concern'd in the Action pending at the next Super^r Court to be held at York between the Proprietors of North Yarm^o & others unknown to me, That John Hill Esq^r and his Brother who are my Cousins German, are also Proprietors of Said Town, which will render it inconvenient to me to Sit in Said Action: Shall be glad if yo^r Hon^r wou'd

acquaint His Excellency therewith, that so another person may be Seasonably appointed on that Affair, if His Excellency pleases.

I Shall not be against Serving the Publick in any Such Capacity when there lyes no just Objection against me. ~ Shou'd not have troubled you with this Letter, but York Court will prevent my attending the Gen^l Assembly till the Middle of this Month. ~

I am with my Duty to His Excellency, ~ Yo^r Hon^{rs} most
Obedient humble Servant Simon Frost
M^r Secretary

Copy of Record.

At a Legal Town Meeting held at Berwick May y^e 2^d
1748

Voted Mr Peter Grant Moderator

Voted the Reveren^d M^r Jeremiah Wise Shall have five hundred Pounds in Publick Bills of the Old Tenor for his Support in the work of the Ministry among us the ensuing year.

Voted that there Shall be a Meeting house built above the River according to the former vote to accommodate the whole Town in General. / Voted one Thousand Pounds in Public Bills of New Tenor to carry on the building the said Meeting house.

Voted M^r Roger Plaisted Decon Benjamin Libby M^r William Keey Cap^t Moses Butler M^r Benjamin Hodsdon and M^r Stephen Harris shall be a committee to carry on the building the said Meeting house

Voted the Committe for building the Said Meeting house
Shall provide the Land to Set the Said Meeting house upon
at the Towns Charge.

Entred by Hump. Chadbourn Town Clerk

Berwick May 2^d 1748. We the Subscribers do enter our Desents against – building a Meeting house in said Town: Unless Said house is Set where it will accommodate the uper end when we Shall Devide and if the vote can be obtained we are ready and willing to Joyn our proportion: for we apprehend that If Said house is Set to accommodate the whole Town as they Say, in our opinion it will in a few years be the means to make three Parrishes when two is Sufficient and therefore pray that a minete may be made by the Clerk of this offer. / Berwick May 2^d 1748 We the Subscribers do enter our Desents against all the votes that has been past excepting the Ministers Sallery. John Hill Elisha Plaisted Nathan Lord Abraham Lord William More Richard Nason Benjamin Nason Samuel Nason James Plaisted John Lord jun. Joseph Emery John Lord John Cooper John Cooper jun. Samuel Lord Richard Shackley Joseph Hubberd Samuel Lord jun Thomas Hodsden Moses Goodwin Elisha Hill Phillip Hubberd Humphry Chadbourn jun. Ichabod Goodwin John Thomson Thomas Abbot Thomas Goodwin jun. Aaron Goodwin John Hodsden Benjamin Chadbourn

Entred according to the Origenal

By Hump. Chadbourn Town Clerk

A true Coppy of Record Attest Hump. Chadbourn

Town Clerk

Copy of Record.

To the Select men of the Town of Berwick: We the Subscribers being Inhabitants of Said Town Request you that a Meeting of the Inhabitants of the afore Said Town may be called as Soon as may be in Some publick place in said Town, Then and there if they See cause to vote

an addition to the ministers Sallery for the year Ensuing, And to Raise money to defray Town charges. Also to pass any vote or votes for the going on with the Building of a new meeting house to accommodate the whole Town as formerly Voted: and to Raise money to Carry on the Same and to chuse a Committe to carry on the Building of the Said Meeting house and to get a Convenient place to Set the Same upon, Also to pass any vote or votes to remove any Incumbrances that Lyes on the Towns Land or priveliges or any ways discommoads the Same. Berwick March 29th 1748 Benjamin Libby John Smith Nathaniel Gubtail Thomas Butler John Keey Miles Thomson Benjamin Hodsdon Jonathan Stone John Pray Peter Keey Tilly Haggens Elezer Clark Nath^l Joy Thomas Goodwin Daniel Libby Jun^r. /

York ss. To m^r William Holmes Constable of the Town of Berwick Greeting

Whereas application is made to us the Subscribers by a Lawful number of Inhabitants of the Said Town of Berwick for calling a Town Meeting you are hereby required to warn and give Notice to all the freeholders and other Inhabitants of Said Town that are quallified to vote in Town Meeting. That they assemble and meet at the Meeting house in Said Town on monday the second day of May next at one of the clock on Said day: Then and there to vote Some addition to the Ministers Sallery for the year ensuing: And to Raise money to defray other town charges. Also to pass any vote or votes to go on with the Building of a new Meeting house to accommodate the whole Town in General as was formerly voted in said Town and to raise money for the carrying on the Building the Said house: And to choose a committe to carry on the work and to get a Suteable place to Set the Said Meeting house upon: Also to pass any vote or votes to remove all Incumbrances off of the Towns Land or Ministry Land in said Town. Dated Berwick April 18th 1748 And

in the Twenty first year of his Majesties Reign p Jos Hart
Moses Butler Moses Hodsden Samuel Bracket jun. Select-
men of Berwick

A true Copy of the Original writings

Attest Hump. Chadbourne Town Clerk

York ss Berwick May 2^d 1748 Pursuant to the within
warrant to me Directed I have warned all the freeholders
and other Inhabitants of Berwick to appear at time and place
within mentioned.

p William Holmes Constable

A true Coppy of the return of the aforegoing Warrant.

Attest Hump. Chadbourn Town Clerk

Letter James McCobb to Gov. Shirley.

Georgetown, May 7th 1748

May it Please Your Excellency

I take this oportunity to Inform Your
Excell^y that on the 26: of April two of the Inhabitants of
this Town had the misforton to be Captivated by the Indian
Enemy. viz: Job Philbrook and Samuel Malune as they were
Plowing about two hundred yards from M^r Philbrooks Gari-
son I Immediately Sent an Express to Your Exce^{ll} upon it
but it unfortunatly fell into the Enemy's hands When Cap^t
Burns was Killed Which I Suppose you have had an account
of.

I would Inform Your Excell^y Something of the Defenceless
Condition that town is in we have Seventeen Garisons which
we have Defended hitherto and but fifty men alowed us by
the Government of Which fortety two is to be Inhabitants

I have not been able to this Day to Inlist above one half

of said Inhabitants they are so Discouraged and had a Great Deal Rather have more Aded to their number.

I Humbly Conceive that nothing but Your Excell^{ys} Speedy Compationate Regard Will Prevent the Breaking up of this Place the Inhabitants would fain hold their Ground and nothing but bare Necessity will Induce them to Leave it the Enemy seems to be vastly more in number then they have been Since the War began and more bold and our number is so Small that we are not able to act in an offence way nor Indeed to Defend the Inhabitants about their Labour nor the Coasters in Carrying of our Lumber I leave our Case to Your Exce^{lly}s wise and gracious Conideration I am Your Excell^{cy}s Dutifull Ser^{vt} James M^c Cobb

Letter Sam^l Denny to Gov. Shirley.

Georgetown May. 9. 1748

May it please your Exelency this waits on your Exelency to inform you that by a letter to your Exelency with other letters in cap^t Burnses pocket when Killed by the Enemy on or about 4 Instant the inemy is fully informed of the naked and defensless condition that this pore town is in wich indead is very malancelley the few men that are here are posted at the most Exposed garasons in the town to incourage them to hold those garasons a little longer notwith standing which I Expect Euery minut to hare they hey have desarted s^d plases many of the garasons have no men the Inhabitants thinking it better not to be tyed to inlistin but that they may be clear that they may not be hindered from runing when matters com to Extremity wich will be the case quickley unless by your Exelencies Kinde interposition we can be further

covered can it be thought that 20 garasons wich is not the hole number now kept in this too can be kept by the number of men if we can git them that are allowed to this town in the presant Establishment we beg your Exelencies favour for our protection.

plese your Exelency what the letter taken as above was designed to in form you of was that on y^e 27 of April larst 2 men ware taken captive by the Enemy within gun shott of one of our garasons and might have taken the garason and would no doubt had they then known as they do now that there was only a number of woomen and children in it and alsou to inform you that on the 28 of said april an indian canno was found within sight of my garason laid up by the side of the river in the woods brought there the night before supposed not to have been made more then 3 or 4 days the seams stoped with mud made of spruse bark the slimmoss wich is on new pealed bark not washed of nor Dried up by which I think it may resonably be conjectured that there is more of the Enemy on our borders then they have cannoos to transport themselves with and there have hardly of late ben Either a day or night whom in sum Damage have not ben done or Indians discovered.

the said taken letter inform the Enemy thow intended to have informed your Exelency that the western and canada men detained here are so uneasy that they talk of running away or turning to y^e Indians and an other letter they took inform them how porely the few men we have are of with respect to arms which was intended for mr whelewright to desire him by all means to send some province arms to this place so that s^r you se from the premises how our nakedness is Exposd and we are in grate distress this being the nedful I beg leve to subscribe myself your Exelencies dutiful sar^t to command

Samuell Denny

Answer of Dorothy Cutter May 10, 1748.

To His Excellency William Shirley Esq^r the Honorable his Majesties Council & House of Represent^{ves} of the Province of the Massachusetts Bay in New England in Generall Court Assembled —

The Answer of Dorothy Cutter to the Petition of the Revnd Nicholas Loring in behalf of himself and Jeremiah Powell Esq^r in behalf of the Town of North Yarmouth Humbly Sheweth — That whereas the Petitioners Sets forth in their Petition, that my Des^d Husband was often requested to fulfill the Proposals that he himself had made — the Reason that he Did not was — as I was Inform'd by him in his Life Time & by others that are now Living — That after he had Made the Proposiall to give up the Lott N^o 16 if the Town would make the Lott N^o 14 Seecure to him — he found that Severall of the Town had a mind to keep him out of Both Lott — and he having Possession of Lott N^o 16 Endeavour'd to Keep Till they would give him a proper Deed of the Lott N^o 14 — And as the Matter was not Settled in my Husbands Life Time, and I being Administx of what he Died Possest off — I Could not Do any thing as to Settling of it but keep Possession by Improvement of the Same — the People have Strove very hard to get me out of Possession by force Since my Husbands Deth — and have gon on the same & Destroyed a Great deal of the Timber. As I am not able to Do any Thing about setting, I must Leave it to Your Excellency & Hon^{rs} to Do what You Think Proper Trusting I shall have Justice Done me & my Fatherless Children

Your Excellency & Hon^{rs} Most Obedient Humb^l Ser^t
North Yarmouth May 10th 1748 Dorothy Cutter

| | | | |
|--|-----|----|---|
| To Mr John Goodale for Keeping Mrs Mary Smith four months and ten days | £ | s | d |
| | 17 | 0 | 0 |
| To Mr John Cusons for takeing Care of Mrs Mary Smith | 1 | 12 | 0 |
| To Mr Sam ^l Emery for takeing Care of Mrs Mary Smith | 1 | 0 | 0 |
| To Mr Sam ^l Littlefield for takeing Care of Mrs Mary Smith | 1 | 0 | 0 |
| To Mrs Hannah Littlefield for Keeping Margaret Smith from March 13 th 1744/5 to March 13 th 1745/6 | 30 | 0 | 0 |
| To Mr Moses Stevens for Keeping Mrs Mary Smith from the 29 th of March 1746 to the 29 of June following | 15 | 0 | 0 |
| To Mrs Hannah Littlefield for Keeping Margret Smith from the 13 th of March 1745/6 to the 13 of March 1746/7 | 30 | 0 | 0 |
| To Mr Moses Stevens for Keeping Mrs Mary Smith from the 29 of June 1746 to the 29 of December 1746 | 30 | 0 | 0 |
| To Mr Moses Stevens for Keeping Mrs Mary Smith from the 29 th of December 1746 to the 29 th of December 1747 | 60 | 0 | 0 |
| To Mrs Hannah Littlefield for Keeping Margaret Smith from the 13 th of March 1746/7 to the 13 th of March 1747/8 | 30 | 0 | 0 |
| To Mr Moses Stevens for Keeping Mrs Mary Smith from the 29 th of December 1747 to the 29 th of March 1748 | 15 | 0 | 0 |
| Old Tenor | 230 | 12 | 0 |

A True Accompt Erors Excepted

p Nath^l Wells Town Treasurer

Record.

Att a Leagal Meeting of the freeholders and other Inhabitants of the Town of Wells the 16th Day of May 1748 —

Voted That John Storer Esq^r be Chosen to Prefer a Petition to the Grate and General Court of this Province In behalf of the Town of Wells that the Intaile on the Estate of M^{rs} Mary Smith May be taken of and to Exhibit an accompt with the s^d Petition of the Charge s^d town has been at in maintaining s^d Mary and her two Daughters Elisebeth and Margret and to Do all he may find Necessary to be Done to git the Intaile taken of that s^d Estate may be Lyable In Law for the Charge s^d Town has bin at in Maintaining s^d Mary and her Children

A True Copey of Wells Town Book

Attest Nath^l Wells Town Clerk

Gov^r Shirley's Speech, May 26, 1748.

“Gentlemen of the Council & House of Represent^{ves}”

“I have lately had advices from the Eastern Frontiers of Mischiefs w^{ch} the Indians have done in those parts, by Killing some Persons, & captivating others & of the great Terror the Inhabitants are in, many of whom are already removed & others coming off: The Supposition of two hundred Volunteers inlisting upon the encouragem^t you have given in the last Establishm^t, & a great number of the Inhabitants entring into Pay (both w^{ch} have failed) has occasioned the weak state of that Frontier: As to the inlisting of Volunteers, I cannot find that there are any in the Eastern Parts disposed to do it for three Years; but if they were allowed to inlist for one year only, 'tis likely that most of them would be retained for the whole three Years: And therefore I would

recommend it to you to make that Alteration in the Terms for Voluntiers enlisting, as well in the Western Parts, (where there is wanting almost one half of the destined Number) as in the Eastern, And it will be absolutely necessary for you to make some new Provision for compelling impress'd Men to serve for the Protection of the Frontiers: For the Fine establish'd by Law at present for that purpose, is grown so small thro' the Depreciation of the Bills, that the several Colonels of the Militia assure me, my Impress Warrants produce more Fines than men out of the Companies in their respective Regiments; and that two of the fines in most Places will scarcely hire one man to enter into the Service, especially upon the Eastern Frontier."

"But there is one thing, Gentlemen, w^{ch} I would in particular observe to you, and recommend to your Consideration in the strongest Terms, as what would not only be the most effectual Provision for the Security of the Eastern Frontier, on the Support of w^{ch} the Welfare of Boston & the other maritime Towns much depends, but be very beneficial also to the Province in other respects; I mean the erecting & garrisoning a Blockhouse on the River Penobscot; This, if the Indians in that Quarter are not hereby soon brought to Terms, may at least prevent the frequent Incursions & Hostilities, not only of the Indians of that Tribe, but of others from Canada upon the Settlements in those Parts, and be a means of keeping them from the Sea Shore, to w^{ch} at certain Seasons they repair for fishing & fowling, on w^{ch} their Subsistence for a Considerable Part of the Year depends; It would moreover be a Security to our Fishery, which at the Expence of the Lives & fortunes of many of his Majesty's Subjects, has in the former War been greatly annoyed by Indian Cruizers from that River — And in time of Peace that Block House might be made of great Advantage to the Province, by using it for a Truck house, w^{ch} being

put under a proper Regulation would not only draw all the Furr Trade of the Penobscot Indians to center there, but that of the St John's & Cape Sable Indians; and possibly no small share of the other Indian Trade which is now negotiated at Canada; It might in time have a tendency to secure all those Indians in our Interest, & a dependence on the Crown of Great Britain, by w^{ch} this Province would infallibly reap happy Consequences."

"W Shirley

Council Chamber May 26. 1748 "

Deposition.

The Deposition of Jonas Mason Testifieth & Saith that sometime about the year 1735 he y^e Deponant with some others was appointed a Committee (by y^e proprietors of y^e Common Lands in y^e Township of northyarmouth) to rectifye some Mistake made in y^e Entries in said proprietors Book of Records: and among other we found a Rong Entry of the Ministerial Lot N^o 16 in the 120 Acre Division on y^e west Side of Royalls River; The mistake appear'd Evident Thus viz it was order'd by the Committee of the General Court for s^d Town that the Surveyor & Lot Layers should in the first place set apart one Lot in this s^d Division for the Ministry after which the Remaining Lots were to be Coupled together & Drawn for by Lot—And in the s^d Book the Lot N^o 16 was Entred Single by it self & wrote Ministers, and the Lot N^o 14 in s^d Division was as appear'd to us by the first Entry Recorded to the Minister in partnership with the heirs of William Scales & Samael Baker. it plainly appearing that both y^e Lots N^o 16. & 14 were Entred Ministers by the first writing but the word Ministers at Lot N^o 14 was altered & made Ministerial by the [s] being turn'd into an [i] &

y^e Letters a: 1: being added with a plain differing Ink from y^e other, which s^d Lot N^o 14 being in partnership with other proprietors & Sundry persons affirming that to their own knowledge N^o 16 was y^e Lot set apart for y^e Ministry y^e Mistake was Evident to us. M^r Ammi Ruhamah Cutter was one of y^e aforesaid Com^{ttee} & prop^s of y^e Ministers Lot then offered to give a Quit Claim of his Right in Lot N^o 16 by virtue of s^d Record provided that the Ministry of s^d Town or minister for y^e time being would give to him a Quit Claim of their Right to y^e 3^d part of the Lot N^o 14. Some time after this Depon^t being Requested by y^e Select men of s^d Town drew two Quit Claims one from s^d Cutter & y^e other from y^e Rev^d Nicholas Loring the minister of s^d Town agreeable to y^e promise of y^e s^d M^r Cutter upon Record & with reference thereto & deliver'd them to y^e s^d Select men & they inform'd me afterwards that y^e s^d Cutter refused to sign it because it was not from y^e Ministry of s^d Town & this Depon^t further saith that y^e s^d Cutter has from time to time Employ'd people (as he y^e Depon^t was well Inform'd) to Cut & Carry of y^e wood till he had got of y^e most valuable part thereof to y^e great Damage of y^e Lot & further saith not—

Jonas Mason

York ss: Northyarmouth May 30th 1748.

Jonas Mason above named appearing made oath to the Truth of the above Deposition by him subscribed—Before me
 Samuel Seabury J^s Peace

The Deposition of Jacob Mitchell Testifieth that he y^e Depon^t being in company with others Select men of North Yarmouth Some years ago Carryed two Quit Claims to m^r Ammi Ruhamah Cutter which were draw'd in order to Right a mistake made in y^e Records of y^e proprietors about the Ministerial Lot in s^d Town & he upon perusal of them Refus^d

to sign it & some time after heard him say he would never do any thing about it. Jacob Mitchel

The Diposition of Sam^l Fisher Testefyeth and saith that he was present at the Drawing of the 120 acer Lots and that N^o 16 was not Drawed by any bodey but was pickèd & set apart for the use of the ministry of North yarmouth for Fier wood & he further testefieth that he was Desiered to go to m^r Cutter with some others to ask him what he would Do about sid Lott & his answer was that he would Do nothing about it Sam^l Fisher

York ss: North Yarmouth May 30th 1748

Jacob Mitchell & Samuel Fisher above named appearing made oath to y^e Truth of y^e above Deposition by them severally subscribed Before me

Samuel Seabury Justice of y^e Peace.

Petition

To His Excellency William Shirley Esquire Captain General, Governour and Commander in Chief in and over His Majestys Province of the Massachusetts Bay in New England ~

The Complaint of Mark Hunting Wentworth of Portsmouth in the Province of New Hampshire Esquire, Agent to John Henniker of London Contractor with His Majestys Commissioners for Supplying Masts &c. for the use of the Royal Navy,
Humbly Sheweth,

That your Complainant as Agent to the said John Henniker, And by Virtue of a License from His Majesty for that purpose, in the month of November Last Caused a

Number of Trees of the Dimensions of twenty four Inches, upwards of twelve Inches from the Ground, and Suitable for the use of the Royal Navy, to be cutt down and felled, which Standing and growing within the bounds of the Town of Towwon in the County of york, in a Tract of Land within the said Province, and which has not been granted to any private person, at the time of the Royal Charter of their late Majestys King William and Queen Mary's, being granted to the Inhabitants of the aforesaid Province,

That when your Complainant by his Workmen proceeded to hawl said Trees away, and float them down the Freshetts to the proper places the Inhabitants of said Towon, and divers other persons Combining with them. assembled themselves together in a body, and hindred and prevented the Complainants workmen from floating Away said Trees. or in any wise meddling with them ~

That when your Complainants workmen Endeavoured all they could to float said Trees away. they were greatly Insulted by these persons who had Assembled themselves together as aforesaid, and threatned the said Workmen. if any of them Should meddle with said Trees, to float them away, or in any wise proceed in that affair. that they would take their bodys into Custody on Mesne processes, they had got out, and would bring them away Prisoners to York Goal without Bail or Mainprize. which threatnings So terrified the Comp^{ts} workmen, that they did not dare venture to proceed any further.

All which Actings and doings of the Inhabitants of the Town of Towwon, and the other persons Combining with them, Your Complainant apprehends to be a great Indignity Offered to His Majesty, and if not prevented may tend to render of no effect the Reservation Contained in the Province Charter, of all trees of such certain Dimensions to the Use of the Crown ~

Whereupon your Complainant humbly prays your Excellency to take this Complaint into Consideration, and to afford him such Assistance in the premisses, as will Effectually Suppress the Actings and doings of the persons aforesaid, and bring them to Justice, or Otherwise to Order therein, as the Nature of the Case requires, And as to your Excellency Shall Seem meet ~

And Your Complainant will ever pray &c^a

Mark H Wentworth

In the House of Rep. 11 June 1748.

Ordered that the Commissary General do forthwith cause the Sloop Massachusetts to be unladen & the Stores now on board her to be reshiped on some suitable Vessel or Vessels, that may be bound Eastward for the service of the Forts & Garrisons & other Forces on the Frontiers and that he cause said Sloop Massachusetts to be fitted as soon as may be for the accomodation of his Excellency in his passage to New York & Albany

Sent up for Concurrence

T Hutchinson Spkr

In Council June 11 1748 Read and Concur'd

J Willard Seëry

Consented to

W Shirley

Frederick Fort July y^e 3^d 1748

May it Please your }
Excellency —

As in Duty Bound I am now to
Accquaint You^r Excellency that Last Saturday y^e Second
Instant the Indians Carried Away one of My Men William

Kent by Name who Contrary to my Possetive Orders went out of the Garrison, They Took Him without Fireing a Gun or Makeing the Least Noise as to what Number of the Enemy there was is Uncertain there was but Two Appeared.

I must Beg Leave to Acquaint you^r Excellency that Notwithstanding the Courts allowing me Thirty Men I never as yet have had Twenty I must Therefore Humbly Pray that your Excellency would be Pleased to Take our Case into your wise Consideration for we are very Weak Handed

I am You^r Excellency's Most Dutyfull & Humble Servant
Sam^l Moody

Commission to Col. Miller

Prov'. of the {
M. Bay } By his Excy the Gov^r

To Col^o Miller Greeting

You are hereby impowered & directed to impress or cause to be impressd out of the Reg^t of Militia under your Comm^d Seven Able bodied Men whom you are to cause to be sent to the following Forts & Garrisons, viz^t three to be sent to Fort George under Cpt Bradbury in the room of Sam^l Thomson, Dan^l Robbins & Jeremiah Man, one to be sent to Brunswick Fort under Comm^d of Cpt Burns in the Room of Elisha Morse one to Fort Frederick under Cpt Moody in the room of Gamaliel Lyon one to Arrowsick under Cpt Cobb in the room of Christ^o Monk, one to under Cpt Oulton in the Room of Peter Sears; And the said Cpt^s are Ordered to dismiss the above-named Soldiers

Aaron Hinkley to L^t Gov Phips

Honour^d S^r

inasmuch as I have had the Care of this Garrison (Since the Death of Captain Benjamin Larrabee) and no

Damage has Happend through my Carelessness. I hope your Honour will be So Good as to use your Intrest, with His Excelency for me, in order to my obtaining His Excelencies favior which may conduce, much to my advantage and Safty, in this time of War. for I understand that some Designing Persons, have wrote and Sign/d a Petition to His Excelency, for one to Have the Command of this fort, who is But a Lad of a bout Eightteen years old (Nathaniel Larrabee by name) which may not only Hurt me, But him also, as He is young.

So leaving it to your Honour's wise Consideration, I Beg Leave to Subscribe my self your Honours most obedient
Humble Serv^t

Aaron Hinkley

fort George
in Brunswick
Aug^t 24 1748

Petition Sept. 5, 1748

To Cap^t Richard Lord M^r Joseph Hart Cap^t Moses Butler M^r Samuel Bracket jun. And M^r Moses Hodsdon Select men of the Town of Berwick in the County of York. / We - Subscribers freeholders and Inhabitants of the said Town for and in behalf of our Selves and others, who have been at the Expençe of Building a new Meeting house in Berwick on the Ministry Land where two Meeting houses have been before this Built and the only place where the Publick worship of God has been Carried on ever Since any Publick worship has been performed in this place, Which is now about four Score years. It being also the place where the General Court Lately ordered the Same Should be continued Considering that the old Meeting house is now So rotten and Leakey and broken that neither Minester nor people can Sit dry and comfortable in any part of the Same in a time of Rain or

Snow or Strong wind but are frequently disquieted thereby in the time of publick Service and the winter Season drawing on in which Season you very well Know the old House is not Sutable and fitted Comfortably for to meet in and the new house will very Soon be So far fineshed as to be much more commodious for the Inhabitants of the Town: Three quarters or more of whom live within three or four miles of Said house and may be therein very well accomodated: It is our desire that they may be So, And if any of the Inhabitants that have not Subscribed towards the building this house are minded to give any thing towards the building and have pues in the Same as others who have Subscribed they are welcome So to do & those who are not disposed to give any thing towards it are nevertheless welcome to the free use and Enjoyment of it as if they had paid their rateable part to it, the house is So large and convenient as that we Suppose it will accomodate more people Excusive of the pue privildges then the old meeting house would in all the Seats of every Sort: and altho there has been a vote passed to build a meeting house with in about a mile and a half of this house which will cause great differance and as we concieve, be very hurtful to the Town if proceeded in not only in respect to place proposed to build it but also with respect to Circumstances of many of the Inhabitants who will find it hard enough to pay their parts of more then two Thousand pounds to the Parish Rates this year to Town County Rates which will amount to aboute one Thousand pounds more they will be unwilling that Sum Should be doubled upon them at Such a time as this, when all other Taxes are So very heavy.

Our request to you is that you'l Call a Town meeting to be held at old Meeting house as Soon as may be, and Incert in your warrant for that Meeting that the Town may vote first to accept of this house for a place for the Publick worship of God, and that as Soon as the Same Shall be made thyte

and comfortable the publick worship Shall be perform^d therein and that this Application and these proposals may be read to the Town in Said meeting

2^{dly} To vote to reconsider their former votes about building a meeting house past in may last and if the Town will vote to Raise and apply any Sum towards the building and finishing this house the Same Sum Shall be raised on the Town in General and applyed to the building a meeting house in the uper part of Said Town where it may be placed more then three miles distant from this house

3^{dly} That when it Shall be agreed upon to build a new meeting house at Such a distance as before mentioned to accommodate the uper part of the Town and new Settlements a Minester Shall be Supported for that place with the Minester in the Lower part of the Town by one General Rate or Tax through the Town. /

Berwick Sep^r 5: 1748

| | | |
|-----------------------|-------------------------|------------------|
| Samuel Nason | Nathan Lord | Abraham Lord |
| Moses Goodwin | Benj ^a Nason | Samuel Lord jun. |
| Sam ^l Lord | John Lord | Phillip Hubbard |
| John Lord jun. | John Hill | Elisha Hill |
| Ichabod Goodwin | Thomas Goodwin | Timothy Davis |
| | Joseph Emery | John Cooper jun. |

A true Copy of the Origenal:

Attest Hump. Chadbourn Town Clerk

Warrant.

York ss / To M^r Tilley Heggens Constable of the Town of Berwick within the County of York Greeting

Whereas Application is made to us the Subscribers by a Lawfull Number of Freeholders Inhabitants of the said Town of Berwick for the Calling a Town Meeting: these are In His

Maj^{ty}s Name to Require you to Notifie the said Freeholders other Inhabitants of said Town Qualleified by Law to Vote in Town Meetings that they Assemble and Meet at the Meeting House in Said Town on Munday the Twenty Sixth Day of September Instant at ten of the Clock in the fournoon then and there

1st first to See if the Town will pass any Vote for to Accept of the New Meeting House Lately Set up in Said Town on the Ministrey Land by a Number of Freeholders and Inhabitants of Said Town to be a place for the Publick Worship of God and that as Soon as the Same Shall be Made tite and Comfortable the Publick Worship Shall be Performed therein —

2^y to Vote to Reconsider their former Votes about Building a Meeting House passed in May Last.

3^y To Vote to raise and apply any Sum towards the Building and finishing this House —

4^y To Vote the Same Sum Shall be raised on the Town in Generall and Applied to the Building a Meeting House in the upper part of Said Town where it may be placed more than three Miles Distant from this House —

5^y To Vote that when it Shall be agreed upon to Build a New Meeting House at Such a Distance as before mentioned to accomodate the upper part of the Town And New Settlements a Minister Shall be Supported for that place with the Minister in the Lower part of the Town by one Generall rate or Tax through the Town —

| | |
|------------------|-----------------|
| p Samuel Bracket | } Select Men |
| Moses Hodsdon | |
| Richard Lord | |
| Joseph Hart | |
| Moses Butler | |

York ss / Berwick September: 26th 1748

Persuant to this Warrant to me Directed I have Notified

and Warned all the freeholders and Inhabitants Qualified to Vote in Town Meetings that they Meet at time and place within Mentioned by Posting up a Notification at the Meeting House Door in Said Town it being the Usual Meethod of Warning Meetings in Said Town —

p Tilly Haggens } Constable

A True Coppy taken from the Origenal

Attest Hump. Chadbourn Town Clerk

At a Legal Town Meeting held at Berwick September 26th
1748

Voted m^r Peter Grant Moderator.

Put to vote whether the New Meeting house in this Town of Berwick Shall be for the whole Town to meet in for the Publick worship of God it past in the Negative.

Put to vote whether the vote in May last for the building a new meeting house Shall be reconsidered it past in the Negative

put to vote whether money Shall be raised to finish this new meeting house it past in the negative.

put to vote whether a Sum Shall be raised to build a meeting house more then three miles above this Meeting house it past in the Negative.

put to vote whether when it shall be agreed upon to build a new meeting house at Such a distance as before mentioned to accomodate the uper part of the Town and new Settlements a Minester Shall be Supported for that place with the Minester in the Lower part of the Town by one General Rate or Tax through the Town it past in y^e Negative

A true Coppy of Record

Attest Hump. Chadbourn Town Clerk

Petition. 1748.

To His Excellency William Shirley Esq^r Cap^t General Governor & Commander in Chief in & Over His Majesty's Province of the Mass^a Bay The Hon^{ble} His Majesty's Council & House of Representatives for said Province in General Court Convened the 26 Day of October 1748

The Humble Petition of John Storer Esq^r as Agent for the Town of Wells in the County of York in said Province Shews

That the said Town of Wells have for many Years past had the Care, & Sustain'd the Charge & Expence (at least in a Great Measure) of Maintaining one Mary Smith of said Town, a Person Naturally wanting of Understanding so as not to be able to Provide for herself. and having no Relations who would Voluntarily, or who could be Obligated to take care of her — That she is the Daughter of Samuel Wheelwright late of Wells afores^d Deceased, who by his Last Will, gave to the said Mary One Quarter part of the Farm where he Dwelt (Excepting twenty Acres out of the whole) in Tail General, and in Default of Heirs of her Body, then to the Heirs of the Late Hon^{ble} John Wheelwright Esq^r Deceased.

That the said Mary has been Married (tho' now a Widow) whereby she has Several Children (tho' none able to Support her,) and the Income & profits of her Estate, fall vastly short of a Sufficiency for that purpose, as your Petitioner is Ready to Evince by Regular Acco^{ts} thereof kept, & Especially too as the said Town is also Obligated to Support One of her Children, whereby the said Estate is now Several hundred Pounds in debt to the said Town —

That your Petitioner humbly Conceives it is not Consistent with Natural Justice, that the Support of the said Mary & family should be the Burthen of Strangers while she has an Estate abundantly Sufficient, as to the Charge hitherto Arisen, and to Suffer that to Remain Secure from the payment of a Debt Contracted by Necessity and to be as it were a Bounty

to her Issue, or others of the same Family, while her Honest Creditors (for in that View the said Town is to be Considered) are Defrauded —

Wherefore your Petitioner in behalf of his Principals Humbly Prays That the Intail afores^d may be Dockt & the Estate afores^d (or so much thereof as may be necessary) Sold under the Care of Some proper Person, & the debt due to the said Town discharged, That what Remains may be applied as Occasion shall Require to the future Accrewing Charges of the said Family — And that Your Petitioner may have Leave to bring in a Bill for these Purposes and Your Petitioner as in duty bound shall Ever Pray &c —

John Storer

In the House of Rep^{res} Nov^r 15 1748 Read and Ordered that Cap^t Spurr Cap^t Williams and Cap^t Thompson with such as the Hon^{ble} Board shall Joyn be a Comm^{ee} to take this Petⁿ under consideration and report what they Judge proper for this Court to do thereon

Sent up for concurrence

T Hutchinson Spkr

In Council, Novem^r 15 1748.

Read & Concur'd and James Minot & John Otis Esq^{rs} are joined in the Affair

J Willard Se^cry

In Council Nov^r 18 1748 Read and Ordered That the Consideration of this Petⁿ be referr'd to the next sitting of the Court

Sent down for concurrence

J Willard Se^cry

In the House of Rep^{res} Nov^r 23 1748

Read and Concurd

T Hutchinson Spkr

Petition. Berwick.

To his Excellency William Shirley Esq^r Captain General & Governour in Chief in and Over the Province of the Mas-

sachusetts Bay and to the Honourable y^e Council and House of Representatives in Gen^l Court Assembled October 1748

The Petition of the Subscribers freeholders & Inhabitants of the Town of Berwick in y^e County of York within said Province Humbly Sheweth —

That in y^e year 1742 a vote was passed by y^e Inhabitants of said Town for y^e building a Meeting House in said Town between the Houses of Humphry Chadbourne Esq^r & M^r Roger Plaisted to Accommodate the People of Said Town in General — which place being but a Small Distance about a Mile or two from y^e place where the Meeting house then was & now is for y^e Public worship A meeting house there would not be Convenient for y^e Inhabitants either of the uper part or lower part of the Town — which being represented to the Gen^l Court all further proceedings thereon was forbidden and a Committee Sent to View y^e Situation of the Inhabitants & y^e several parts of y^e Town & report thereon which Co^mmittee After Viewing y^e Town reported —

“that the Old Meeting house being y^e place where y^e Publick
 “worship of God had to that time been performed in said
 “Town and so Conveniently Situated as that the Antient
 “Setlers and Inhabitants who built & kept it in time of Warr
 “& Difficulty Ought still to keep it Since if they should go
 “but one Mile & half to y^e North of said meeting house were
 “sufficient of themselves for a Parish — the s^d Co^mmittee
 “therefore did judge it reasonable that y^e same should be
 “demolished but that it ought still to be Maintain’d in the
 “same place —

They also reported that since the Indian war such Improvements and Settlements were made towards the uper end of the Town that they might in time be divided into two Parishes but for the Present to Continue in one body and y^e Lower part to assist y^e Uper part in building a Meeting house to Accommodate the New Settlements or Uper End of the

Town (as was then proposed) was very reasonable — that a New Meeting house might be built to Accommodate the Inhabitants of the Uper part of the Town —

which report being Accepted by the Gen^l Court y^e Town in Conformity thereto have hitherto kept in one body Performed y^e Public worship of God in y^e old Meeting house which stands upon y^e Ministry Lands in the place where a former Meeting house stood & the public worship carryed on ever since the Inhabitants ever had a place for public worship which is now about Eighty or Ninety years —

The Petitioners pray leave further to Observe that the old Meeting house not being so good & Commodious as that y^e people may Attend y^e Public Worship with Comfort & Safety in Stormy weather A Number of the Inhabitants of the Town have Contributed About four thousand Pounds Old Tenor & have built a New Meeting house on y^e same lot of y^e ministry Lands where y^e Old Meeting house is which will soon be fit for y^e Public worship & will Accommodate all the Inhabitants of the Town (if they please to use it for that Purpose) which building by way of Contribution or subscription was supposed to be most for y^e Ease of the Poor of the Town who have great taxes to pay and being on the Ministry Land where y^e Gen^l Court Ordered y^e same to be Maintained and by y^e General Consent and Subscription of the Inhabitants living within the lines proposed by the Gen^l Courts Committee for y^e first Parish the Contributors proposed nothing but the Public good of y^e Town — And at a Town Meeting held at Berwick on y^e 26th day of Septem^r 1748 Called at their desire & request they Proposed to y^e Town that y^e Town would Accept of this New Meeting house for a place for y^e Public Worship & if any Person or Persons who had not subscribed or Contributed anything towards the building this New House were disposed to subscribe they might yet do it & those who would not were Nevertheless welcome to y^e use

of it — it being much more tite & Commodious than y^e old meeting house now is & in y^e place where the Inhabitants Must attend the Publick worship there being no other place in the Town for that purpose — It was also proposed that if the Town would Vote Any Sum to be raised on the Town & applyed towards finishing this New Meeting house a Vote also might pass for y^e like sum to be raised on the Town y^e lower part as well as y^e Uper part — to be Applied towards y^e building a Meeting house to Accomodate the New Settlements in the uper part of the town in any place more than three Miles Distant from this house It was also proposed that when a Minister should be Caled for y^e uper part of the Town y^e Support of both Ministers should be by one General vote or Tax through y^e Town but all these Proposals made by y^e Inhabitants of the Lower part of the Town were rejected —

Thus the Inhabitants of the Lower part of y^e Town & of the Most Antient Settlements in it have in all respects Observed y^e Order of the General Court Agreeable to y^e report of their Committee Offered to Assist y^e Inhabitants of the New Settlements in building a Meeting house and are still ready & willing to do it (if they will have one Convenient for themselves) & in the Mean time to Provide a Suitable house for y^e Public worship for them Either with, or without their assistance that is — the New Meeting house now built —

Yet so it is that notwithstanding the Gen^l Court in y^e year 1742 forbid y^e proceeding of y^e said Town with respect to their building a Meeting house so Near y^e Old Meeting house as they were then about to do — the Town have at their Meeting on y^e Second day of May last past Voted to build a Meeting house According to that Vote which was then Complain'd of and Adjudged to be Unreasonable by the Gen^l Court — the place where they now propose to build the same

being within One Mile & half of y^e Old Meeting house And within the short limits of the line proposed for y^e first Parish in said Town whenever y^e same should be Divided & at a place where the Inhabitants of the upper part of y^e Town even those who are not broken up or removed by y^e present war Must Travil some five six or seven Miles to Meeting & it Cannot be Convenient for y^e New Settlements but Contrived & Intended to break up & Demolish the old meeting house & alter y^e place of Public Worship from the place where it has ever been in y^e Middle of y^e Old Settlements where y^e Gen^l Court ordered it to be Continued & from y^e Ministry Lands to a place where the Town have no lands for a Minister nor for a Meeting house & will be utterly Destructive for both Ends of the Town & none thereby Accommodated but y^e Middle part And in order to Effect their Purpose the Town at said Meeting in May last Voted to raise one thousand Pounds New Tenor to Carry on Said Building & have Chosen a Committee to Manage the affair who are Proceeding therein ; which your Petitioners humbly Conceive will be of very ill Consequence even for Many of those who Joyn in the affair as also very Injurious to the Petitioners and Lower part of the Town —

Your Petitioners therefore Most Humbly pray that this Honourable Court will be pleased in their Great Wisdom and Justice to take the Premisses & Dangerous State & Condition of the Town into their Compassionate Consideration Especially of y^e Lower part of y^e Town — & prevent their ruin, Inasmuch as they have ever for y^e space of about fourscore years last past Maintained Defended & Enjoyed the Public Worship of God in y^e place where it is now Performed & in all times of Difficulty & Danger & Provided Lands Convenient for & supported y^e ministry and are still willing to be at y^e Cost to Support y^e same forever (even if they cannot have more than one Mile & half distance North from the old Meet-

ing house (as y^e Gen^l Courts Committee reported) that they may be allowed to Enjoy y^e same Still and not be Broken up Merely because A Major Vote of y^e Town is or may be Obtain'd to do it y^e Greatest Number of which Voters Never knew y^e Dangers and Difficulties which y^e Antient Inhabitants Laboured under in Supporting & Defending y^e same & Consequently have not a Just regard thereto.

Your Petitioners humbly pray that they may be Exempted from paying any Part of y^e Money Voted to be raised for y^e building the Meeting house proposed to be built by y^e Town or that y^e Proceedings of the Towns Committee may be Stayed & y^e votes of y^e Town about y^e same may be made Void or that there may be a Division of y^e Town into two Parishes that y^e Lower Part May Enjoy y^e Meeting house which they have built by y^e old Meeting house on y^e Ministry Lands and at y^e uper Part of y^e Town (who Pretend to be Superiour to y^e lower part) take Care to Suit themselves with a house where they please to have it — and if any one Person in y^e lower Part of y^e Town is unwilling to Joyn with y^e lower part of y^e Town he may be Poll'd off to y^e uper part if he So Desire — Or Grant to your Petitioners such other relief in the Premisses as in your Great Wisdom & Justice shall Seem Meet —

That if any thing in this Petition shall Seem doubtful as to y^e reasonableness thereof your Petitioners pray that a Committee May be Appointed by this Court to make further Inqurey into y^e Situation of y^e Town & report if they can think reasonable that this which is y^e most Antient Settlement of & for y^e Ministry in said Town should be broken up to y^e Great hurt & Grievance of y^e most Antient Settlers for no other reason than this a Major Vote to do it which is all y^e reason they have for y^t & that in Contempt of a former order of the Gen^l Court And your Petit^{rs} shall pray &c

Sep^r 1748

Richard Lord

John Cooper

Elisha Plaisted

| | | |
|--|---|--|
| Nathan Lord | John Lord | John Hill |
| Benj ^a Nason | James Plaisted | Elisha Goodwin |
| Elisha Hill | Samuel Lord Jr | W ^m Tebbets |
| Ichabod Goodwin | Abraham Lord | Thomas Lord |
| Joseph Emery | Benj ^a Chadbourn | Samuell Gethe ^{..} |
| Samuel Lord | John Goodwin | Samuel Plaisted |
| Samuell Abbot | Timothy Davis | Etherinton ^{his} X ^{his} Hearl |
| Samuell Gartsheal | Stephen Wood | Thomas ^{his mark} S ^{mark} Hearl |
| John Hodsdon | Nathan Lord Juner | John ^{mark} Coopper |
| Aaron Goodwin | Jos: Hodgdon | Thomas Wallingford |
| Job ^{his} X ^{mark} Eamery | James Gray | John Shackley |
| Simon ^{mark} Emery Juner | Moses Goodwin | Joseph Hubbard |
| Paler ^{his} X ^{mark} Goodwine | Richard Hinkley jr | Elias Grant |
| Thomas Hodsdon | William Hight | Philip Hubbard |
| Samuel Gatchel | Henry Goodwin | Humphrey Chadbourn jr |
| John Thompson | Abraham Lord Tartus | James Lord |
| Nathaniel Nason | James Goodwin | Patrick Manning |
| Daniel Libbey | John Lord Jun | John Jones Jun ^r |
| Theodore Simpson | Thomas ^{his} X ^{mark} Gillison | Nathan Lord tartrias |
| Noah ^{his} X ^{mark} Nason | John Andros | Nills Goodin |
| William ^{mark his} X ^{his} Goodwin | Nathaniel ^{his} X ^{mark} Goodwin | W ^m ^{his} X ^{mark} Goodwin jr |
| John Bennett | Elija ^{his mark} X ^{mark} Goodwin | Richard ^{mark his} X ^{mark} Nason |
| John Thompson juner | F ^{mark} ^{mark} X ^{mark} Spencer | William Moore |
| William Nason | Daniel Gray | Heard |
| Ephraim Joy | Thomas ^{his} X ^{his} Hearl jun ^r | Ebenezer Abbot |
| Walter Abbot | Jos: ^{his mark} X ^{mark} Nason | Thomas Abbott |
| Thomas Goodin jun ^r | Daniel Wadlin | Joseph Ricker |
| John Lord third | Moses Gray | Joshua Emery |
| Aaron Lord | Thomas Pike | |

About 88

In Council Oct^r 28. 1748 Read & Ordered that the Pet^{rs}

serve the Select Men of the Town of Berwick with a Copy of this Petition, that they may shew Cause if any they have A on Fryday the 18th of Nov^r next if the Court be then sitting, if not, A on the 2^d Wednesday of the next Sitting of the Court why the Prayer thereof sh^d not be granted; And all Proceedings relating to – Building of a Meeting House or collecting any Tax for that Purpose be & hereby are staid – & the mean time —

Sent down for Concurrence J Willard Seȩry

In the House of Rep^{ves} Oct^r 29, 1748

Read and Noneoncurre'd and Ordered that this Petⁿ be dismiss'd

Sent up for concurrence T Hutchinson Spkr

In Council Nov^r 1. 1748 Read & Nonconcurr'd, And the Board adhere to their own Vote

Sent down for Concurrence J Willard Seȩry

In the House of Rep^{ves} Nov^r 1. 1748

Read and Concurr'd with the amendm^t Viz Dele at A.

Sent up for concurrence T Hutchinson Spkr

In Council Nov^r 1. 1748 Read & Concur'd

J Willard Seȩry

Consented to W Shirley

In Council; Decem^r 29. 1748. Read again together with the Answer of the Committee of the Town of Berwick & Ordered that Sir William Pepperil with such as shall be joined by the Hon^{ble} House of Represent^{ves} be a Committee to repair to the Town of Berwick; view the same, & hear the Parties & report what they judge proper for this Court to do in Answer to this Petition. Sent down for Concurrence

J Willard Seȩry

In the House of Rep^{ves} Dec^r 31. 1748

Read and Concur'd and Col^o Gerrish and Col^o Titecomb are Joyned in the Affair

Att^r Roland Cotton Cler. Dom. Rep.

Petition of the Select men of Falmouth. Nov. 10, 1748.

To His Excellency Will^m Shirley Esq^r Cap^t Gen^l & Commander in Chief in & over His Majesties Province of the Massachusetts Bay in New England & to the Hon^{ble} His Majesties Council in Gen^l Court Assembled
Humbly Sheweth

The Select men of the Town of Falmth that Will^m Forde an Indigent Person (as he Saith) came from the west of England on the seventeenth day of Ap^l last, to New found Land & from thence to Piscataqua, from thence to Boston where he lived about two months from thence he Travailed to the Eastward, as far as Biddeford Intending to have Kept School there but meeting with no Incouragement, he being informed that there was a Mast Ship at Falmth he Travailed from Biddeford to Falmth Intending to get a passage home in s^d Ship, s^d Ford having no money to pay his Passage with, the master of s^d Ship refused to Carry him, upon which s^d Forde being in a Strange Land, having neither Friends nor money he was tempted by the Divel to Kill himself he was so far prevailed with by the Tempter to Cutt his own Throat with a Razor he had in his Pockett, which he Cutt very Badly, this was done the Second Night after he came to Town, which was the Second day of Sept^r last, S^d Wound Occasioned a very high Fever, which made his Case very Dangerous, Application having been made to us to take care of him & to provide a place for him we prevailed with Cap^t Moses Pearson to take him into his House & to Look after him, where he was well taken care off, untill his wound was Healed We Employed Doctor Wise both as a Chirurgion & Physician to look after him: One of his own Country men belonging to North yarmouth offered to give him his Board the winter Ensuing if he would go & Live with him, accordingly we Sent him there the third day of this Instant Nov^r which was as soon as he was fitt to be removed.

Your Petitioners prays your Excellency & Honours, that Cap^t Pearsons acco^{tt} for Nursing & Tendance & M^r James Milks acco^{tt} for trasporting the s^d Will^m Forde to North Yarmouth & the Doct^{rs} acco^{tt} for medicine & attendance which are herewith Exhibited to the amount of Sixty one pounds ten shillings old Tenor may be p^d out of the Treasury of the Province as by Law in Such Cases made & provided and your Petitioners as in Duty Bound shall ever pray

Falmth Nov 10 1748

| | |
|----------------|--|
| James Milk | } Select men of the Town of Falm th |
| Joseph Tompson | |
| John Snow | |

61 - 10 - 0 old Tenor

abate 3

| | | |
|----|----|---|
| 58 | 10 | 0 |
|----|----|---|

| | | | |
|----------|-----|----|---|
| N. Tenor | £14 | 12 | 6 |
|----------|-----|----|---|

To be p^d to Cap^t Moses Person

& by him to be p^d to y^e Several persons

Message.

Gentlemen of the House of Representatives.

I observe that in the Establishment of the Pay and Subsistence of the Forces this Winter, you have not included Fort Dummer: I cannot suppose that this Omission is from any Intention to slight it, especially at this Juncture, while our Application to his Majesty for a reimbursement of Our Charges in the maintaining of it, is now depending: And therefore I desire you would make Provision for the Support of the Garrison there as soon as may be.

I desire also that you would consider, whether it may not be for the Security of the Frontiers, to provide for a few

men, for the Defence of M^r Hinsdalls Fort below Fort Dummer for the Winter Season.

Council Chamber Nov^r 10. 1748

Letter S^r W^m Pepperrell to Gov. Shirley Nov. 18. 1748.

Having been absent the beginning of this Session I had no Opportunity to know what was determined by the General Court, relating to the building a Fort at Penobscott, & must own I was very sorry when I heard on my Coming to Town, that the Court did not think favourably of it — I hope, Sir, it will not give Offence for me to declare that I have far other Sentiments of that Affair, especially when I inform You of the reasons which prevail with me, which my Acquaintance with that part of the Country give me an Advantage of knowing, which many others are not favoured with — Give me leave to offer to your Excell^y that as I think it will be of very great Importance to have such a Fort, so the present Season is the only Time to erect it in — When we shall have a Peace with the Penobscott Indians (whom we may dayly expect for that Purpose) it will be accounted Injustice to erect a Fort on their Lands, without their Leave, which they will never give, not only because the French will instigate them to y^e Contrary, but as they will readily perceive it design'd as a Check upon them — The only Objection that can be made against such a Fort, that occurs to me is the Charge — But I should think the Advantage which might arrise from a Truck Trade carry'd on there added to the savings that might be made by the slighting Saco & Richmond Brunswick & Georges Forts, & (by carrying our natural Enemies so far off, in a few years perhaps) Pemmaquid also would so far exceed the Expence as would turn the Ballance much in our Favour — Many other Arguments might be

us'd which besides that they would take up too much of your Excell^ys Time are quite unnecessary — I only wish that on so important an Occasion the Rules of the Court might be so far dispensed with, as that it might be bro^t under a Consideration a second Time in the same Session, when such as are not already informed of the Consequences of the Affair may have an Opportunity therefor.

I am Sir Your Excellencys Most obedient & Most Humble
Servant

Boston Novem^r: 18th 1748 W^m Pepperrell
His Excellency W^m Shirley Esq^r Cap^t General
and Governour in Chief &c &c &c

Message.

Gentlemen of the House of Representatives

I am Concerned to hear that you have determined not to provide for the building of a Fort on Penobscot River, agreeable to Recommendation I made thereof in my Speech to both Houses at the Beginning of this Session.

But having just now received a Letter upon that Subject, from Sir William Pepperrell (who was absent from the Court, in the Beginning of the Session, & is well acquainted with this affair) which, I think, is worthy of your Consideration, therefore I desire you would reconsider this Matter before you rise

W Shirley

Council Chamber Nov^r 18. 1748

A true List of all the Famileys in Barwick above Chaborns River. Barwick Desem^r 17th 1748

| | | |
|----------------------------|-------------------|----------------------------------|
| Joshua Abbot | Humphrey Chadborn | Cap ^t Joseph Chadborn |
| Sam ^l Gartsheal | Noah Thompson | Efrum Joy |
| Moses Abbot | Israel Hunewell | Benj Lord |

| | | |
|-------------------------------|----------------------------------|--------------------------------------|
| Benj Chadborn | Robert furnish | m ^r Sam ^l Lord |
| John Lord Jun | Nathan Lord | m ^r Thomas Abbot |
| John Cartor | Thomas Nobell | John Lord |
| Terah Sprague | Tilley Higgon | Moses Lord |
| Tho ^s Butler | Cap ^t Moses Butler | Josiah Guttridge |
| m ^r Joseph Hartt | William Garrish | John Tucker |
| Joseph peney | Joseph Woodsum J ^r | John Quint |
| Joshua Nason | Henrey Sloman | m ^r Thomas Goodwin |
| John foard | Joshua Quint | Samuel pray |
| John pray | Abraham Lord | James Garrish |
| Abiall Hamblton | Benjamun Hamblton | El ^d John Smith |
| John Smith Jun | Joshua Smith | John Keays |
| Peter Keays | William Keays | James Garrish Jun |
| Samuell Wintworth | Samuell Wintworth j ^r | Ebenezer Parce |
| John parce | Isreal parce | Moses abbott |
| Banj Horsmer | John Hursom | Moses Goodwin |
| Charles Goodwin | Elezor Clark | Nathanel Joy |
| Banj Aston | m ^r Moses Hosdon | Joshua Hosdon |
| John Woster | William Hupper | Sam ^l Woster |
| John fall | Joshua Nock | Zackria Nock |
| Jos ; Nock | Thomas Dowins | John Grindall |
| Joshua Robords | Ebenezor Lord | John Whitt |
| John Sutevant | Trostum fall | Sam ^l fall |
| Ezeeke ^l Wintworth | Nathanel Downs | Joseph Hamblton |
| William Clark | William Clark Jun ^r | Trustum Ward |
| Iachabod Tibbots | John Connor | James Mackneall |
| James foy | William Downs | Sam ^l Downs |
| Moses Spencer | Doc ^r Benjamin Libbey | Daniel Libbey |
| Charles Libbey | Jos Libbey | Banjaman Gutredge |
| Joseph Woodsum | John Woodsum | Charls Garrish |
| Jeremiah ffront | Joseph Allen | Stephen frost |
| Joseph Hendrson | Lei ^t Roger Plaisted | Nathanell Gubtal |
| Banjaman Gubtal | Richard Chils | Richard Hearl |
| Edward Clarey | Paul Ston | Joseph Ston |

| | | |
|--|--------------------------|--------------------------|
| Gidon May | Samual Huppor | Joseph Welsh |
| m ^r John Holmes | John Walker | Thomas Homes |
| Samuell Holms | Antoney C | William Holmes |
| Goray Bron | Simon Ston | Jonathan Ston |
| Mily Thompson | Bartlomew Thompson | Banj Wordon |
| Liu ^t Pittor Grant | Landon Grant | Alexander Grant |
| Daniel Grant | Andrew Walker | John Knight |
| John Knight | John Hamblton | Garbid Hamblton |
| Richard Thirall | Abial Hamblton | William Chadborn |
| William Abbot | Thomas Gubtal | Joseph Richards |
| Edwor | Ruben Hays | William Goodwin |
| Thomas Hobbs | Backor | William Chils |
| John ffrost | m ^r Stephen H | William ffrost |
| Patrick Gowin | Nathanell Libbey | John Andros |
| James ffrost | William Goodwin | William Goodwin jun |
| m ^r Sam ^{ll} Brackut | James Brackot | John Brackut |
| John Shorey | Sam ^{ll} Shorey | Thomas Shorey |
| John Murrey | Stillin | William Davice |
| Pettor pray | Nathanel ffrost | Thomas Tibbotts |
| Henerey | James Chadborn | Thomas Lord |
| Joshua Andros | John Brackett | Sam ^{ll} Gubtal |
| Aron Goodwin | Addon Goodwin | Hugh Ross |
| Joseph Chadborn Jun | John Jones | |

192 famileys: above Chadborns River at this Day Berwick
Desem^r 17th 1748

further Israel parce Moses Abbot Valentin Seal John Sea
 which makes 196

Acc^t of Young men Rated for them Selves & under their
 fathers above Chadborns River

| | | |
|-----------------|---|------------------|
| Joshua Goodshel | Theodath Simpson | Humphrey Spencer |
| Aron Abbot | John Butler | Moses Butler Jr |
| Thomas Goodwin | Sam ^{ll} Pray Jun ^r | Caleb Mackorty |
| Philo C ffall | Ephrom Grant | Jonathan Clark |

| | | |
|-----------------|------------------|--------------------------|
| Isreal Hodsdon | Thomas Sandors | Park S Marmon |
| Banj Nock | Micheal Woodsum | Jonathan Stimson |
| Gorage Bran | John Parce | John Hardson |
| Stephen Hardsom | James Brackot | Sam ⁿ Brackot |
| Joshua Brackott | Eligor Goodwin | Nicklos Thompson |
| Abial Hamblton | Joshua Hamblton | Jonathan Thurnel |
| James Thurnell | John Gubtal | Noah Rickords |
| Thomas Hobs | Garbrel Hamblton | Henry Hobbs |
| Stephen Hodsdon | Wintworth Stuart | |

38 Ratebell Yong men above Chadborn River

Brought over yong men 38

James Perrey

Simon Clark

Goarg Clark

which in the H 41

196

pols above y^e river 237

below -- — — 133

370

104

A list of Young Men reated below the river

| | | | | |
|------|--------------------|---|-----------------------|---|
| Viz. | Joshua Lord | 1 | Jeremiah L | 1 |
| | Edward Nason | 1 | W ^m plastd | 1 |
| | Row | 1 | John Emry | 1 |
| | Sam ^l C | 1 | James Lord Jr | 1 |
| | Jos Lord | 1 | Jabes Lord | 1 |
| | Jos Brown | 1 | Stephen Lord | 1 |
| | Moses Abbot Jr | 1 | Timothy Davis | 1 |
| | Thomas Good Jr | 1 | | |

Benja Chadbourn 0: 11:0

Humphry Chadbourn j^r 0: 10: 0

m^r John Lord Ju^r 0: 10: 9

Joshua Emery 0: 5: 6

| | |
|---------------------------------------|------------------|
| Joseph Recker | 0: 14: 0 |
| Nathan Lord 3 ^d | 0: 5: 0 |
| Noah Recker | 0: 4: 9 |
| Patrick Maning | 0: 5: 0 |
| m ^r Sam ^{ll} Lord | 0: 17: 0 |
| Thomas Picke | 0: 7: 0 |
| Thomas Solingford Eq ^r | 0: 12: 9 |
| William Goodwin | 0: 11: 2 |
| William Goodwin j ^r | 0: 5: 9 |
| Theod ^r Simson | 0: 5: 0 |
| Eligea Goodwin | 0: 4: 6 |
| Thomas Goodwin | 1: 6: 0 |
| | <u>7: 15: 11</u> |
| In Constable Lords List below | 50: 12: 9 |
| | <u>58: 8: 7</u> |

125 - 0 - 0

58 - 8 - 7

66 11 : 5

| | | |
|-------------------------------|------------------------------|----------------------------------|
| Joshua Emery | John Thomson jr | James Warrun j ^r |
| Noah Nason | Danil Libbey | Joseph Jillison Ju ^r |
| Thomas Jillison | Joseph Jillison | Solomon Walker |
| James Hearl | Thomas Hearl Ju ^r | Gilbert Hearl |
| John Hupper J ^r | Daniel Gray | Viriah Page |
| John Bennet | Benony Bragdon | Daniel McCanny |
| James Goodwin | Freethy Spencer | Nathn ^{ll} Goodwin |
| Soloman Goodwin | Miles Goodwin | Daniel Wodlin |
| Moses Spencer | Sam ^{ll} Gatchill | Richard Nason |
| Richard Nason Ju ^r | James Lord | John Thomson |
| Timothy Davis | Elisha Goodwin | Elisha Plaisted Esq ^r |
| Sam ^{ll} Plaisted | John Hill Esq ^r | John Wise |
| William Hight | W ^m Moore | Ichabod Goodwin |
| Ethernton Hearl | Benja Nason | William Nason |

| | | |
|---|---|--------------------------------------|
| Stephen Wood | Cap ^t Richard Lord | Aaron Lord |
| William Tibbetts | Aron Abbot | Sam ^l Nason |
| Joseph Nason | John Cooppur | John Cooppur J ^r |
| Joseph Goodwin | Joshua Grant | Ellias Grant |
| Peter Grant J ^r | Sam ^l Abbot | Daniel Grant |
| Tayler Goodwin | Thomas Abbot Ju ^r | Walter Abbot |
| Ebanz ^r Abbot | Nathan Lord 3 ^d | John Goodwin Ju ^r |
| John Goodwin | Moses Goodwin | Aaron Goodwin |
| Richard Shackley | John Shackley | Thomas Goodwin |
| Daniel Goodwin | m ^r John Huppar | Soloman Huppar |
| Phillip Hubbard | Joseph Hubbard | Joseph Hodsdon J ^r |
| Sam ^l Hodsdon | Richard Hodsdon | Joseph Emery |
| Joseph Hodsdon | Abaram Lord | Abaram Lord Son |
| Nicholas Lord | Nathan Lord | John Lord |
| John Lord Ju ^r | Simon Emery Ju ^r | Sam ^l Lord J ^r |
| Richard Shackley Ju ^r | John Hodsdon | Thomas Hodsdon |
| Thomas Thomson | Jonathan Hamilton | Henery Goodwin |
| these below Chadbourns River 93 Famalys | | |
| Thomas Lord | Jobe Emery | Joshua Abbot |
| Above y ^e River | | |
| Elisha Hill | Sam ^l Gatchill Ju ^r | James Plaisted |
| Ephram Joye | Humphry Chadbourn Ju ^r | Benj ^a Chadbourn |
| Sam ^l Lord | John Lord Ju ^r | Nathan Lord Ju ^r |
| Patrick Maning | William Goodwin | Joseph Recker |
| Thomas Picke | | |

14

96

110

| | | |
|---------------------------------------|----------------------------------|----------------------------|
| Humphry Chadbourn Esqr | Humphry Chadbourn Ju | |
| Cap ^t Joseph Chadbourn | Joseph Chadbourn Ju ^r | |
| Patrick Maning | Benja Chadbourn | Benja Lord |
| Sam ^l Lord Ju ^r | Iseral Hunuill | Robert Furniss |
| Sam ^l Lord | John Lord Ju ^r | Nathan Lord 3 ^d |

| | | |
|-----------------|---------------------------------|-----------------|
| Moses Abbot | Thomas Abbot | John Cartar |
| Thomas Noble | John Lewis | Terah Spreage |
| Tilley Hoggan | Thomas Butler | Moses Lord |
| Josiah Goodrige | Joseph Hartt | William Gerrish |
| John Tucker | Joseph Peney | John Quint |
| Moses Spencer | Joseph Woodsum Jur | Joseph Woodsum |
| John Woodsum | Charles Gerrish | Joseph Allen |
| Jer: Frost | Joseph Hendrson | Henery Rimes |
| Stephen Frost | Lef ^t Roger Plaisted | Benja Goodrige |
| Benja Libby | Joseph Libby | Daniel Libby |
| Charles Libby | Nathn ^l Gubtail | Benja Gubtail |
| Edward Clarey | Richard Hearl | Noah Thomson |

these above Chadbourns River to the Porpos^d Line
about 76

and 16
makes 92

| | | |
|--|-------------------------------|---|
| Paul Stone | S Stone | Gideon May |
| m ^r Sam ^l Hupper | m ^r John Holmes | George Brawn |
| John Walker | Antony Arely | Joseph Welch |
| Sam ^l Holmes | Thomas Holmes | Joseph Stone |
| m ^r Miles Thomson | m ^r Jonathan Stone | Bartlemo Thomson |
| Thomas Roberts | m ^r Benja Hodsdon | m ^r Peter Grant |
| Landas Grant | Daniel Grant jr | Allexd ^r Grant jr |
| Andrew Walker | Grindel Knight | John Knight |
| John Hamilton | Gabriel Hamilton | Richard Thirrel |
| Moses Butler | Vollentine Scatts | John Scatts |
| Henery Sloman | John Foard | Joshua Quint |
| Sam ^l Pray | John Pray | Abaram Lord Ju ^r |
| James Gerrish | Benja Hamilton | El ^d John Smith |
| John Smith Jur | John Keey | Peter Keey |
| W ^m Keey | Sam ^l Wentworth | Sam ^l Wentworth J ^r |
| Ebenz ^r Peirce | John Peirce | m ^r Moses Goodwin |
| Charles Goodwin | Nathn ^l Joye | Elezer Clark |
| m ^r Moses Hodsdon | Joshua Hodsdon | Benja Asting |

| | | |
|--|--------------------------------------|--------------------------|
| John Woster | W ^m Hupper | Benja Harsman |
| Sam ¹¹ Woster | John Faul | Zackrey Nock |
| Joseph Nock | Benj ^a Nock | Thomas Downs |
| John Grindel | Joshua Roberts | Ebenz ^a Lord |
| Trustum Faul | Ezeekel Wentworth | Sam ¹¹ Faul |
| Nath ¹¹ Downs | John Solleuan | Joseph Hamilton |
| W ^m Clerk | W ^m Clerk Ju ^r | Nath ¹¹ Nock |
| Thomas Shorey | John Shorey | Sam ¹¹ Shorey |
| W ^m Davis | John Murrey | Ruke Stilling |
| m ^r Sam ¹¹ Brackit | Isaac Brackit | Adam Goodwin |
| Aron Chick | Sam ¹¹ Gubtail | John Brackit |
| Joshua Andros | James Chadbourn | Peter Pray |
| Nath ¹¹ Frost | W ^m Goodwin | James Frost |
| Patrick Gowin | Nath ¹¹ Libby | W ^m Frost |
| James Mackill | | |

These above y^e Porposd Line in the upper part

about 80

10

above y^e line 90

between y^e river

& y^e line 82

172

Petioners &

within y^e Lemets 110

282

162

120

42

| | | |
|------------------|---------------|-----------------------|
| Stephen Hardison | John Frost | W ^m Childs |
| Hugh Ross | Joseph Recker | Thomas Picke |
| John Jones | Hateuel Conen | John Connor |

Signers of Petition not qualified.

This may Certifie the Honorable Gener^l Court that the Signours that Signed the Petition that was Sent into Court in September last by a Number of Inhabitants of the Town of Berwick in behalf of themselves Relating to the Building a New Meeting House in Said Town and being Sett off by them Selves a Parrish in Said Town that there is more then forty of the said Signours to said Petition that are not Qualified by Law to Vote in Town and parrish Meetings

Berwick Decm^{br} 19th 1748 attest

| | |
|-------------------------------|------------------|
| p Sam ^l Bracket jr | } Sessors of the |
| Moses Hodsden | |
| Moses Butler | |
| | Town of |
| | Berwick |

At a Legal Town Meeting held at Berwick December the 5th 1748 Voted that a Committee Shall be Chosen to answer to the Petition Relating to a new Parrish to be Set of in this Town./ Voted Cap^t Moses Butler Cap^t Joseph Chadbourn m^r Peter Grant Humphry Chadbourn and m^r Moses Hodsden a Commette to answer to Said Petition.

A true Coppy of Record

Attest Hump. Chadbourn Town Cler

To his Excellency William Shirley Esq^r Captain General and Governour in Chief in and over his Majesty's Province of the Massachusetts Bay The Hon^{ble} the Council and Hon^{ble} House of Represent^{es} of the said Province in General Court Assembled at Boston December 21st 1748

The Answer of the Town of Berwick in the County of York to the Petition of Sundry of the Inhabitants of said Town.—

Most Humbly Shew

That the Pet^{rs} have Set forth in their Petition to your Excellency and Honours that the New Meeting house voted

to be built in said Town between the House of Humphrey Chadburn Esq^r and M^r Roger Plaistead about a Mile and half Distant from the Old meeting house so Called will not be Convenient for the Inhabitants of Either the Upper or Lower part of the Town to which your Respondents Reply That the place where the Town have Voted the new meeting house should be built is very near the Center of the Inhabitants of the Town and will Accomodate the whole Town in General in such a Manner as that the principal part of the Inhabitants of said Town and by far the Greater part of the pet^{rs} in particular will not have above two Miles and an half to Travell to Meeting Except some few of the Inhabitants that live in the outscirts of the Town. —

As to all further proceedings in Building a meeting house being forbid by this Hon^{ble} Court Your Respond^{ts} Say that they were only Suspended and that for no longer time than the Com^{tee} Appointed by this Great and General Court should Report their Opinion what they Judged proper for the Court to do on their petition in June 1742 And the said Com^{tee} Accordingly in Septem^r 1742 Reported it as their opinion “That Another Meeting house should be built in the Upper part of said Town where it would best Accomodate the Inhabitants of the said upper part of the Town above Cap^t Chadburns in a Convenient place as the Town should Agree and that it would be for the future peace and well being of the Town to keep the Old Meeting house in Repair and build a New One where it would best Accomodate the Inhabitants in the spot above Cap^t Humphrey Chadburns, which Report was Accepted by this Great and Hon^{ble} Court And the said Town in Obedience thereto in March last Voted to Repair the Old Meeting house at the Charge of the Town as usual And in May last Voted at the Charge of the Town to Build a New Meeting house Agreeable to the said Report above Cap^t Chadburns house about Midway to M^r Roger Plaisteads

house where they have Carried their Timber Stones and Materials to proceed in the said Building which place takes in and Encludes Most of the large Rhodes and best Settlements in the Town Runing about five Miles North East by East to the Utmost limits of the Town and the other Rhodes are from North East and North and from North West by North So that all the Rhodes in the Town like the Several Branches of a Tree all Center in One place where the New Meeting house is Voted to be built which will be Exceeding Convenient for the Town but a Small Distance for a few Inhabitants to Travell to and from Meeting to what the Greater part now have to the Old Meeting house —

The Pet^{rs} go on and say that the Old Meeting house is not Commodious by Reason that the people with Comfort and Safety in Stormy Weather can't Attend Upon the publick Worship of God Your Respondents Reply that they have not only made the same Comfortable hitherto so that there is not any Danger in Attending Divine Service as they would Insinuate in their petition but have also Employed a Number of persons to Repair and Strengthen the same in a Suitable Manner and do everything Necessary to make the same more safe as well as Comfortable in the Worst of Weathers so that there can be no just Grounds for such Representations And the Town being Sensible that a larger Meeting house would better Acomodate all their Inhabitants have Ordered the New one to be of such Dementions and so Extensive as to Contain a Greater Number of Inhabitants that at present Dwell in the Town So that under what Colour or pretence the pet^{rs} could Raise of their own heads the sum of Four Thousand pounds old Tenor and proceed to Build a New Meeting house on the Ministry Lands near the old Meeting house in Opposition to the Vote of the Town and Directly Contrary to the said Com^{tees} Report after they were forbid by the Select men of the Town And then petition your Excel-

lency and Honours to Oblige the Town to Accept thereof is what your Respondents are not Able to Conceive or Imagine And Can't think it will be any Inducement to this Hon^{ble} Court to Oblige them to Receive the Same but Rather Incline Your Excellency and Honours to Dismiss their petition which will be a means of preserving to the Town their Invaluable Rights and Priviledges which the pet^{rs} have unwarrantably Endeavoured to Invade —

The pet^{rs} further say That they are of the Most Antient Settlements and have in all Respects Observed the Orders of this Court Agreeable to the said Report which is a Gross Misrepresentation to your Excellency and Honours for that the Greatest part of the Antient Settlers and maintainers of the Ministry &c live to the Northard of the Old Meeting house and have always defended and kept the same in times of Difficulty and Danger And the said pet^{rs} have not in the least Complied with the Orders of this Hon^{ble} Court but in direct Contradiction thereto have Erected a meeting house on the Ministry Land where the old one now stands So that it is the Town and not the pet^{rs} that have duly and truly Observed the Orders of this Hon^{ble} Court as will fully appear by their Votes Copyes whereof are herewith presented Notwithstanding the Unjust Charges of the pet^{rs} to the Contrary and the said Town are Still willing and Desirous to Comply with the said Report And therefore they Flatter themselves that your Excellency and Honours will not permit or Suffer A few of their Inhabitants to Impose a Meeting house upon them Contrary to their Votes when it can't be of any Service but Rather a burthen to the Town —

The Pet^{rs} go on to Inform this Hon^{ble} Court that the upper part of the Inhabitants of said Town even those who are not broken up or Removed by the War must Travell five Six or Seven Miles to Meeting at the place Voted by the Town should the said House be built to which Your Respond^{ts}

say that this is of a peice with the Rest of their Groundless Insinuations for that there is but a very few of the Inhabitants that live five Miles Distant from the proposed place and they very scattered and those who live in the lower part of the Town even at the Greatest Distance will not have more than three Miles to Travell to the place of publick worship Except about Eight or ten of the pet^{rs} who will have but about four Miles to come So that it cannot in the least be Destructive or prejudicial to Either Ends of the Town who are not large Enough for two Parishes nor able to Maintain two Ministers And should the pet^{rs} have their Request Granted Your Respond^{ts} Apprehend it will Tend Greatly to the Disadvantage if not the Ruin of the Town

The pet^{rs} much Insist upon it and would fain perswade Your Excellency and Honours that they are the only persons that have provided Lands Convenient for and Supported the Ministry when it is well known that they have done but little to what the other part of the Town have done and that Upwards of forty of the pet^{rs} who boast so much of their doings are not even qualified to Vote in Town or Parish Meetings so that much could not be Expected from them —

Your Respond^{ts} beg leave to Inform Your Excellency and Honours that Upwards of Forty of the Pet^{rs} have Joined with a Number of persons belonging to the Upper part of Kittery and Enter'd into Bonds with each other to Oppose all the Votes and Orders of the Town and at all Hazards to Act in direct Contradiction thereto by which it plainly Appears that the pet^{rs} have no Real Regard to the Interest of the Town as they would Suggest but are only Seeking their private Senister Advantages and Opposing the Town in their proceedings for little else than Opposition sake and Endeavouring to foment Divisions and Contentions in the Town as fully appears by their very Extraordinary and Unheard of Management in Erecting a Meeting house quite near the old

one and that upon the Ministry Lands in Contempt of the Town as aforesaid which Doubtless your Excellency and Honours will think Worthy of Notice. And should these persons be Encouraged in their proceedings your Respond^{ts} Apprehend it will be of Dangerous Consequence to the Towns in the Province —

And as Your Excellency and Honours formerly Appointed a Com^{tee} to Inquire into the Situation and Circumstances of the Town who Reported their Opinion which the Town are willing to Comply with Your Respond^{ts} humbly Conceive that it can't be of any Advantage to Appoint a new one for that purpose —

And for as much all the Inhabitants of the Town Excepting the pet^{rs} are very Desirous of having a New Meeting house built where the Town have Voted the same and are Inclined to Continue together and promote peace and Unity among themselves

Your Respond^{ts} therefore Most humbly pray your Excellency and Honours would not oblige them to Accept of the Meeting house built by the Pet^{rs} but that the petition be Dismiss'd as Groundless and Unreasonable that the said Town may proceed as soon as may be to Compleat the said Meeting house Agreeable to their Vote and Collect the Tax assessed for that purpose.

But should Your Excellency and Honours in your Great Wisdom not see Cause to Grant the Towns Request they beg leave to Observe the unreasonableness of the pet^{rs} Request to be a Seperate Parish so as to take in a Mile and an half North from the Old Meeting house for should this Hon^{ble} Court order the same it would Include more that two third parts of the Inhabitants of the Town and leave the poor Outskirts thereof who are almost Continually Annoyed by the Enemy to shift for themselves which in a short time would oblige the Inhabitants to leave the Town Your Respond^{ts}

beg leave further to say that if the pet^{rs} are Desirous to be a Distinct Parish by themselves they shall Readily Consent thereto provided no other of the Inhabitants be sett off with them —

And your Respond^{ts} will ever pray &c

| | |
|-----------------|-----------------------------|
| Moses Butler | } Com ^{tee} of the |
| Jos : Chadbourn | |
| Peter Grant | |
| | Town of |
| | Berwick |

Coppy taken from the Constable Lists of the Inhabitants below Chadbourns River Decembr 24 1748 viz

| | | |
|-----------------------|----------------------------|-----------------------|
| Abraham Lord | Alexander Greay | Abraham Lord juner |
| Aaron Goodin | Andrew : Walker | Aaron : Abbot |
| Aexander Gilleson | Aaron Lord | Benja : Nason |
| Benjamin Lord | Benjamin Goodin | Benjamin Brgdon |
| Charells Lord | Daniell Greant | Daniell Mackeney |
| Daniell Libby | Widow Charety Emry | Daniell hodsdon |
| Daniell Greay | widow Deliverance Goodin | Daniell Wadlin |
| Elisha plasted | Elisha Hill | Ebenr abbot |
| Elias Greant | Widow Elisebeth abbot | Widow Elisebeth Greay |
| Ephraim Joy | Etherington Hearl | frethey Spencer |
| Gilbert Hearell | Humphry Seamons | Henry Goodin |
| Hezeciah Jillison | Jo : Hill Esq ^r | Jos : Jillison |
| John thomson | James Goodin | Joshoua abbot |
| James abbot | James Greay | John Cooper |
| John Cooper juner | John Hooper | Jo : hooper juner |
| Jos Nason | Jonathan hamelton | James Lord |
| John hodsdon | John thomson juner | John Lord |
| Joseph Emry | John Bragdon | John Bennet |
| Widow Judeth hamelton | John Goodin | James Greant juner |
| Joseph Habard | Joseph hodsdon | Jabzes Emry |
| John Goodin juner | Ichobad Goodin | James plasted |

| | | |
|--|---|--------------------------------|
| John Geatchell | John Lord 3 ^d | James forgison |
| Joseph Jilesen jun ^r | Joseph Goodin | Joshoua Greant |
| Jose Emry | Joseph hodsdon Jr | John Hubbard |
| Moses Goodin jun ^r | Moses Green | Mills Goodin |
| Nathan Lord | Noah Nason | Noah thomson |
| Nath Nason | Nath Lord juner | Petter Greant Jr |
| philip Habbard | Petter Greant | Richard Lord |
| Richard Shakly | Richard Shakly juner | Richard Nason |
| Richard Nason jun ^r | Richard hodsdon | Sam ^l Plasted |
| Sam ^l Geatchell | Sam ^l Geatchell jun ^r | Simon Emry |
| Sam ^l Lord jun ^r | Sam ^l Shorey | Sam ^l hodsdon |
| Sam ^l hodsdon juner | Sam ^l Abbot | Sam ^l Nason |
| Solomon Walker | Stephen Wood | Thomas Thomson |
| Thomas Hearrell | Thomas abbot juner | Thomas Jilleson |
| Tealor Goodin | Timothey Davis | Thomas Goodin jun ^r |
| Thomas Hearrell juner | Thomas Hodsdon | Tobias Lord |
| Thomas Lord | Taylor Greay | Vriah page |
| William Moore | William Moore | William Hight |
| Will ^m Nason | Waltor Abbot | |
| In all | 118 | |
| Ditto young men | 15 | |
| | <hr/> 133 | |

Action of Council.

In Council Decembr 24th 1748

Read again together with the Answer of Dorothy Cutter Adm^x of the Estate of the within named Ammiruⁿ Cutter. And Ordered That upon the Pet^{rs} procuring and Delivering to the said Dorothy a good Deed of Release and Quit Claim to Lott N^o 14 referd to in the Petⁿ for the use of the Heirs of the said Amiruhamah, the said Dorothy be and hereby is Authorized And Impowered to give a Deed of Release of

Lott N^o 16 in the same Division to the Petit Loring for the use of the Ministry in the Town of North Yarmouth

Sent down for Concurrence J Willard Seëry

In the House of Rep^{ves} Dec^r 26. 1748 Read and Concur'd

T Hutchinson Spkr

Consented to W Shirley

Report of Committee on the petition of inhabitants of Berwick.

In obedience to the Order of the General Court of the 31st day of Decem^r 1748 we the Committee to whom was refer'd the Petition of Several of the Inhabitants of the Town of Berwick relating to their meeting House having repaired to the Said Town & Viewed the Several Parts thereof and the Situation of the Inhabitants and heard all the Parties therein concern'd agree humbly to Report That, the said Town of Berwick be Divided in two Distinct and Separate Parishes and that the Lower Parish bounds run North from the old meeting House one mile and a half, & from thence South west and by west to Salmon fall river and from said river North East & be East to the Extent of the Township, and in as much as the Petitioners have by Subscription Erected a commodious House near where the old one Stands w^{ch} is the most Suteable place to accommodate the Lower Parish we are Humbly of opinion that the Said House be there Estab-lished for the Publick worship of God, and that the Peti-tioners ought not to pay any part of the tax w^{ch} the s^d Town has made for the building another Meeting House in y^e Upper Part of the Town nither will the place where the s^d Town has Voted to Erect another meeting House be conven-ient for the Inhabitants in the upper part of the s^d Town. but are of opinion that if a meeting House for the Upper

Parish was Erected neare y^e House of Thomas Gubtale it would be y^e most Suteable place to Accommodate the upper Parish, and that altho the afore mentioned Line should take in Lieu^t Peter Grant, Benj^a Hodgdon, George Brawn, Grindal Knight, Noah Tompson, John Knight, Andrew Walker, Landers Grant, Alexander Grant, Daniel Grant, Joseph Chadbourn jun^r Gabrel Hamblton, John Hamblton, Richard Tharla w^{ch} will be much nearer the place proposed for the Meeting House to be built in the upper Parish – we are of Opinion that they and their Estates where they now dwell Should have Liberty if they see cause to joyn with the upper Parish and there pay the Parish Taxes, and that if the aforesaid proposed Deviding Line should Seperate any mans Land that he pay to that Parish the whole of his Parish Tax in w^{ch} his House Stands and that the Rever^d M^r Jeremiah Wise the present Minester of said Town have Liberty to be the mines-ter of w^{ch} of the Parishes in s^d Town he shall chuse and that the Passanage Land in the bounds of the Lower Parish shall remaine to that Parish —

and that the Town at their cost shall procuer for the Upper Parish one hundred Acres of the coñon and Undivided Land belonging to the Propriet^{rs} of said Town where it can best Accommodate them for a Parsonage all w^{ch} is Humbly Submitted by order of y^e Committee

Berwick the 21st day of February 1748

W^m Pepperrell

Message Jan. 20, 1748.

Gentlemen of the House of Represent^{ves}

I would now remind you of your having refer'd over to this Sitting of the Court the Consideration of my Messages

recommending to you to provide for the building of a Fort near the mouth of Penobscot River; And as I am still of Opinion that such a Fort would be of great Advantage to the Province both in Peace and War; and as this seems to be the most proper Season for effecting this Matter, I desire you would proceed upon it before you rise, and consider my several Messages and the Papers sent you with them, which I suppose are lying in your Files

W Shirley

Council Chamber Jan^y 20, 1748

In the House of Rep^{es} Jan^y 25. 1748

Read and Ordered that Cap^t Little Col^o Miller and Cap^t Collins with such as the Hon^{ble} Board shall Joyn be a Comm^{ee} to take this Mess^a and the papers accompanying it under consideration and report what they Judge proper for this Court to do thereon as soon as may be. Sent up for concurrence

T. Hutchinson Spkr

In Council Jan. 26, 1748

Read & Concur'd, and Samuel Welles, Joseph Wilder & Andrew Oliver Esq^{rs} are joined in the Affair

J Willard Se^cry

The Co^mittee appointed as above, having twice met & considered the affair, were equally divided on the Question whether it was proper to proceed on this undertaking, at this session of the General Court or not & therefore would not proceed.

By order of the Com^{tee}

Samuel Welles.

In Council Jan. 31. 1748; Read & Voted that the Affair above mentioned be referd to the next Sitting of this Court. Sent down for Concurrence

J Willard Se^cry

In the House of Rep^{es} Jan^y 31. 1748

Read and Concurd

T Hutchinson Spkr

To the Selectmen of the Town of North Yarmouth

To be communicated to the Inhabitants of the s^d Town at
their first Town Meeting

Gentlemen

We the Subscribers Inhabitants of the neck of Land Called Merriconeage and Islands adjacent within the Township of North Yarmouth, Being sensible that we are Required by the Laws of God and of the Province to attend the Publick Worship on the Lords Day and Enjoy the Privilages of the Gospel and by reason of our Living at so great a Distance from the Stated place of Worship in the Town or any Neighbouring Town both by Land and Water as to Deprive us of the privilages of the Gosple. And being Desirous to Support the Gosple among our selves where we may with Convenience and Comfort Enjoy the advantages of it: And not being able to Effect this unless we are set off as a Distinct Precinct. Do Request of the Inhabitants of the s^d Town of North Yarmouth That you would at Your Next Town Meeting Vote to be a District and seperate precinct all that Tract of Land Called Merriconeage Neck and all the Islands within two Miles Westward of s^d Neck and all the Islands and main Land Lying Eastward of the s^d Neck within the Township of North Yarmouth: and as far as it is in your power Invest us the Inhabitants with the Privilages of Distict & Seperate Precinct, and your Granting this Request We Shall esteem as a great favour

Merriconeage January 30th 1748/9

| | | |
|------------------------|-----------------|--------------------------------|
| John Stover | Wait Webber | Seth Toothaker |
| William Macgray | Richard Hase | Elisha Alling |
| William Alexander | Nathaniel Barns | Benjamin Barns |
| William Tarr | Patrick Phalen | James Doyle |
| John Matthews | Jonathan Webber | |
| of New Capenewaging | | |
| Timothy Bailey | William Black | |
| of Little Sebescodegen | | William Black jun ^r |

Petition Nich^s Loring &c. Feb. 9. 1748

To His Excellency Will^m Shirley Esq^r &c The Honourable His Majestys Counsel & House of Representatives of the Province of Massachusetts Bay in New England in General Court Assembled —

The Petition of Nich^s Loring in behalf of himself and Jer Powell in behalf of the Town of North Yarmouth —

The Petitioners Humbly Sheweth, that in the resettlement of the Town of North Yarmouth there was by order of the Great and General Court Two allotments of Lands to be laid out in s^d Town, one to be for the first Minister as his own property for ever the other for his & his successors improvement for the time Being and that in recording s^d allotments of Land Lots Nu^r 16 & Nu^r 14 where both recorded Ministers Lot. in the west division of one Hundred & twenty Acre Lots by a mistake in the Proprietors Clerk (as is supposed) alters Lot Num^r 14 to ministerial as appears by the face of the records inadvertently making the additional amendment to the rong Number

That the Lot N^r 16 & not N^r 14 is the ministerial Lot be made to appear from the original Tickets. That s^d Lot was a Pitcht Lot as may be made to appear by the Testimony of those who were appointed to pitch the same.

The Petitioner further Sheweth That in Sep^r 4 1735 the Proprietors of s^d Town appointed a Committe to rectify the mistakes to March 9th 1735/6 The Committe repots to the propriety and there accepted & put upon record and among many other things the Committe reports. that Lot Nu^r 16 was through a mistake recorded to the Rev^d M^r Ammi Ruhami Cutter. all which may be made to appear by attested Copeys from the Proprietors Clerk.

And tho the said Committe reports (of which m^r Cutter was one and sign'd the same with his own hand) that he the s^d Cutter offers to give a quit Clame of Lot Nu^r 16 provided

the present minister for the time Being give him a quit Clame of Lot Nu^r 14, as the report may be Seen. and yet he refused tho often requested but enter'd upon s^d Lot and made great waste of the timber & since his death his Heirs persist in the same which has already been hundreds of pounds damage of s^d Lot.

The Petitioners therefore Humbly request Your Excellency and the Honourable Court to interpose in the affair:

And if it may be thought fit put a Sanction upon the proceedings of s^d Propriettee and their Committe respecting s^d Lot of Land or give some further Conformation of the Towns Title to the same and give orders to M^{rs} Doratte Cutter administratrix of the late Cap^t Cutter to desist from takeing any more timber off s^d Lot.

In so Dewing you will much oblige your most obed^t and very Humble Petitioners

Nich^s Loring

Jer : Powell } Agent
for the
Town

North Yarmoth Feb^r 9th 1748

Deposition. Feb. 27, 1747.

Barnabas Seabury of Lawfull age testifieth and said That when the Committy Appointed by the Great and General Court for the Resetlement of the Township of North Yarmouth came to North Yarmouth in order to Draw the Lots in the Hundred and Twenty acre Division in s^d Township this Deponent was then present with s^d Committy when s^d Lots were Drawn for. And then the s^d Committy appointed or Desired Cp^t Stephen Larrabe Mr Frances Wyman and this Deponent with M^r Edward King the Surveyor to pitch or make Choice of one Lot in the Division for the Ministeral Lot which was then Done and Lot No^b Sixteen was the Lot as agreed on for s^d Ministeral Lot and for that Reason was

Excluded from being Drawn for with the other Lots and this Deponent also saith That He well Remembers that the Lot which fell to M^r Ammi Ruhamah Cutter in the Right of the Minister as being the first Setled Minister in s^d Town was in partnership with the Heirs of William Seales Dec^d and Samuel Baker and This Deponant further saith That he has No Remembrance of any other one lot in said Division that was allowed for these Rites but that which Cutter Seales & Baker Drew and further Saith not.

Barnabas Seabury

North Yarmouth Febuary the 27. 1747

York ss North Yarmouth Febuary the 29 1747

Barnabas Seabury appearing Made oath to the truth of the within Declaration by him subscribed before me

Samuel Seabury J Peace

The following is the Petitions or Requests of a Numberr of the Inhabitants of the Town of Wells Liveing between Kennebunk and Mousom Rivers put in to Sundry warnt for town Meetings and what was Voted there upon at the several Meetings for the town of Wells

Warrant March 1743/4

and to consider what to alow the Inhabitants of Kennebunk out of the Ministeral and School Rates the year past and also to Do what shall be thought proper and Covenant towards seeting them of as a parrish

Voted thirty Pounds old tener be alowed to the Inhabitants of Kennebunk toward Defraying the Charge of their Minister and School the year past March 1743/4

Warrant March 1744/5

And also to Consider what to alow Kennebunk People toward their having the Gosple Preched among them the winter past

Voted twenty Pounds old tener toward Defraying the Charge of Preaching among them the winter past March 1744/5

Warrant March 1745/6

And also by a petition of teen or more of the Inhabitants of Kenebunk and Mousom their Petition is to see what the town will give them toward their winter Preaching among them or seet them of as a Parrish by them selves.

Warant Novem^r 1746

Whereas teen of the freeholders Living between Kenebunk River and Mousom River have applyed to us the Subscribers to Call a town Meeting to see if the Town will allow them and the other Inhabitants Liveing betwen s^d Rivers aney thing to help them Toward the Suport of the Gosple amongst them the last winter 2^{ly} to pass a Vote if the Town think proper to set them of to Joyn with part of Arundel as a Parrish in order to Settle the Gosple amongst them thay Liveing at a grate Distance from the Publick Worship 3^{ly} the Parrish to begin at the Mouth of Mousom River and so to Run back on a North West Line to the head of the Town

Voted that twenty Pounds old tener be allowed to the Inhabitants Liveing between Kenebunk and Mousom Rivers toward the Defraying the Charge of Preaching among them the winter season Novem 1746.

Warrant March 1746/7

And also to Consider what to allow the Inhabitants Liveing between the Rivers of Mousom and Kenebunk toward their Charge of Supporting the Gosple among them the winter

season agreeable to a petition of teen of the freeholders of the Town of Wells Liveing between s^d Rivers

Voted that Thirty Pounds old tener be alowed to the Inhabitants of Kenebunk toward the Defraying of the Charge of Preaching among them the winter season March 1746/7

Warrant March 1747/8

8^{ly} To Do what may be thought proper in answer to a Petition of a Number of the Inhabitants Liveing between Mousom and Kenebunk Rivers 1^{ly} to See what the Town will alow them toward the Support of the Gosple among them the winter past 2^{ly} to see whether thay will give them aney thing toward Building a Meeting House and If not whether thay will Grant them Liberty to build one among them selves 3^{ly} to see whether the Town will seet them of In order for the Settlement of the Gosple amongst them.

Voted that fifty Pounds old tener be alowed to the Inhabitants of Kenebunk toward Defraying the Charge of Preaching among them the winter season March 1747/8

Warrant March 1748/9

5^{ly} To see what the Town will Do in answer to a Petition of a Number of the Inhabitants Liveing in Wells Between Kenebunk River and Mousom River

1^{ly} to see what the town will alow them towards the Support of the Gosple among them the last winter 2^{ly} to Se whether the town will seet them of according to their petition Dated Kenebunk in Wells feby 25th 1748/9

Voted that Sixty Pounds old tener be alowd to the Inhabitants of Kenebunk toward the Defraying the Charge of preaching among them the winter season. March 1748/9

Taken out of Wells Town Book

Examined p Nath^l Wells Town Clerk

Letter Sec^{ry} Willard to Stroud Esq.

Boston March 15, 1748/9

Sir

A Discovery having been lately made of a Gang of Villains in the Colony of Connecticut who have made a great Quantity of Counterfeit Bills in Imitation of the Bills of Credit of this Province and the said Colony of Connecticut; Many of which have been uttered by some of the Accomplices in this Province; And it being strongly suspected that some of the said Bills are carried into the Province of Main_ & particularly to the Town of Scarboro to be put off among the Inhabitants there; I am directed by the Govern^r & Council to inform you hereof & to signify their Pleasure that you forthwith use your utmost endeavours for finding out & apprehending all Persons that may be concerned in making passing or uttering the said Bills who may be in your County that so they may be proceeded against according to Law, as also to give the People warning lest they be cheated and imposed upon by the said Counterfeit Bills Which are in Imitation of the £3. & £1 Bills of Connecticut & 10/ of this Province all new Tenor; One of each I herewith inclose. And for the better discovering these Counterfeit Bills You may observe among other Distinctions from the true Bills, this remarkable one, The Printing on the Back is not by Types (as in the true Bill) but from a Plate which is easily perceived by the Smoothness on the Face as well as the Back of the Bill, it being otherwise on the true Bill. You must get all the Assistance you find necessary from other Justices in your neighbourhood in this Affair

I am Sir Your most humble Servant

J Willard

P. S. There is one Rob^t Henry gone to Scarboro who it is said, shew'd some of these Counterfiet Bills, & is vehemently suspected, being Brother in Law to Briant who has confessed

his being guilty ; & there is one Smith who is likewise suspected ; It is thought best you sh^d examine them as soon as may be.

| The Estate of Mary Smith to the Town of Wells | | | Dr |
|---|--|--------|----|
| for her Self & Children | | | |
| 1732 | To Keeping Eliz ^a Smith | | |
| | by Peter Rich | £13 10 | 7 |
| 1733 | To Ditto for Eliz ^a | 13 09 | 0 |
| 1734 | To Peter Rich Towards Eliz ^a | 33 10 | 0 |
| | To Peter Rich | 02 18 | 6 |
| | To Peter Rich | 00 19 | 8 |
| 1735 | To Peter Rich for Eliz ^a Smith | 28 10 | 0 |
| | To Peter Rich for Eliz ^a Smith | 10 13 | 7 |
| | To Peter Rich for Eliz ^a Smith | 16 10 | 8 |
| 1736 | To Peter Rich for Eliz ^a Smith | 27 00 | 0 |
| 1736/7 | To Sundries beding Clothing &c | 15 10 | 11 |
| March 5, 1736/7 | To George Jacobs for Margret Smith | 12 00 | 0 |
| 1737/8 | To Peter Rich for Eliz ^a Smith | 24 05 | 0 |
| | To George Jacobs for Margret Sm— | 03 12 | 0 |
| 1738 | To Zachariah Goodale for Mar- gret | 12 00 | 0 |
| | To Peter Rich for Eliz ^a Smith | 27 15 | 0 |
| | To beding for Eliz ^a Smith | 01 04 | 6 |
| 1739 | To Peter Rich for Eliz ^a Smith | 22 00 | 0 |
| | To M ^{rs} Dalzell for Eliz ^a Smith | 01 00 | 0 |
| 1739/40 | To Zachariah Goodale for Mar- gret | 31 06 | 8 |
| | To Sundries burying Eliz ^a Smith | 04 10 | 0 |
| Nov. 13 1741 | To M ^r Fran ^s Littlefield for Mar- | | |
| To Nov ^r 13 1742 | gret | 26 00 | 0 |

| | | | | |
|---|--|------------------------------|-----------|-----------|
| Dec ^r 16 1743 | To M ^r Fra ^s Littlefield for Margret | 30 | 00 | 0 |
| | To Joseph Sayer Esq ^r Clothing for Margret | 05 | 00 | 0 |
| 1746 | To Moses Stevens for Margret | 15 | 00 | 0 |
| 1744/5 | To Mrs Hannah Littlefield for Margret | 35 | 00 | 0 |
| | | <u>413</u> | <u>06</u> | <u>01</u> |
| The Estate of Mary Smith by the Town of Wells | | Cr | | |
| 1733 | by a note of hand of Sam ^l Stewart | 21 | 10 | 0 |
| 1737 & 1738 | by Cheney Kimbal & others | 24 | 0 | 0 |
| 1739 | by John Wheelwright Esq ^r | 12 | 0 | 0 |
| 1739/40 | by a note of hand paid by Sam ^l Emery | 5 | 0 | 0 |
| 1742 | by a note of hand paid by Sam ^l Emery | 4 | 0 | 0 |
| | | <u>66</u> | <u>10</u> | <u>0</u> |
| Errors Excepted | | p John Storer Town Treasurer | | |

Message.

Gentlemen of the Council & House of Represent^{ves}

During the Recess of the Court I received an Account of the Designs of the French to make Settlements in the country between Crown Point & our Western Frontiers; Which I shall lay before you. If the French should be permitted to carry this Design into Execution, In all Probability it will prove of fatal Consequence to all the English Plantations in North America; and therefore I have thought it proper to inform the Neighbouring Governors as far as Pensilvania of this Affair, That they may Consider what Measures may be taken by these Colonies for their Security against the Encroachments of so dangerous a Neighbour. I also thought

it my Duty to give the earliest Intelligence to his Majestys Ministers of this Matter & have shewn them how much his Majestys Rights & Interests as well as the Safety of these Colonies will be affected if this Design should [be carried out], That so I may be instructed how to act in such a Case.

By my last Advices from Cpt Bradbury Commander of the Fort at S^t Georges River that the Indians are still disposed to Peace, & are desirous that some of their Chiefs should treat with me here for that Purpose, and I shall therefore order Cp^t Saunders who will sail from hence in a few days to bring some of them up hither at his Return.

In both these important Affairs I shall be glad to have the advice of the two Houses as Occurrences may Require.

Council Chamber April 6th 1749

W Shirley

In the House of Rep^{es} April 7. 1749

Read and Ordered that M^r Speaker Col^o Choate Col^o Heath Col^o Otis and Col^o Miller with such as the Hon^{ble} Board shall Joyn be a Comm^{ee} to take His Excellencys above message under consideration, and report what they Judge proper for this Court to Act thereon.

Sent up for concurrence

T Hutchinson Spkr

In Council April 7, 1749. Read & Concurd & Samuel Welles, Sam^l Danforth, John Quincy & John Chandler Esq^{rs} are join'd in the Affair

J Willard Se^cry

Report accepted.

In Council April 14. 1749 Read & Ordered that this Report be and hereby is accepted, And the Town of Berwick is divided into two distinct & separte Precincts accordingly, to do duty & receive Privilege as other Precincts within this Province do, or by Law ought to enjoy.

Sent down for Concurrence

J Willard Se^cry

In the House of Rep^{es} April 18. 1749

Read and Concur'd

T. Hutchinson Spkr

Consented to,

W Shirley

Petition of inhabitants of Wells & Arundel.

To His Excellency William Shirley Esq^r Cap^t Gener^l and
Govern^r in chief in and over His Majesty's Province of
the Massachusetts Bay The Hon^{ble} his Majesty's Council
& The Hon^{ble} House of Representatives in Gener^l Court
Assemb^d April 5th 1749 ~

The Inhabitants of that part of the Town of Wells which
Live at the place called Kennebunk consisting of about Thirty
Families and those of the Town of Arrundel who Live upon
the West side of Goff's Brook or Middle River so called in
Arrundell next Wells consisting of about Twenty Families ~
Most Humbly Shew

That from their first settlement of those places they have
Laboured under the Greatest Difficulties in attending the
Publick Worship of God in the Stated places of the said
Towns in respect to the great Distance they severally Live
from the same viz^t those of Arrundell Four and Six Miles
And those of Wells some Eight or Nine Miles and the nearest
Six Miles and the Difficulty also of Wading Two Rivers
Mousam & the Little River which if the Tide be up must
Travel round Thirteen Miles by reason of which their chil-
dren especially those in their Youth have not the Advantage
of that Teaching & Instruction of Gods Word Preach^d which
is so necessary to their well being And their Wives in great
measure viz^t most of the Year depriv'd also of that Enestim-
able Priviledge — For the redress of which they have Erected
a Meeting House by a Liberal Contribution among them-

selves and in the same manner Supported Preaching &c in the Winter Seasons for this six Years last past — Notwithstanding which they pay their Proportionable part of the Taxes to the several Ministers of the said Towns which now in their Infant Settlement much discourages Oppresses & Burthens them & which if they were relieved of and set off as a Distinct Parish they Humbly conceive and hope by the Blessing of God on their Endeavours to be Able comfortable And constantly to Support a Minister among them selves — Wherefore Your Petitioners Most Humbly pray This Hon^{ble} Court's Compassion And consideration of the Premisses and of their Wisdom and known Paternal Affection & Care Grant and Order them a Distinct Parish by these Meets and Bounds viz^t the Western Bounds to begin at the Mouth of Mousam River by the Sea and to run up North West to the Extent of the Bounds of Wells Township And the Eastermost Bounds to begin at the Mouth of Kennebunk River which is the Bounds between the Two Townships & so to run up by the s^d River till it comes opposite to the Mouth of Goffs Brook or Middle River so called in Arrundell aforesaid where it empts it self into the Kennebunk River and to run from the Mouth of the s^d Brook or river into the said Town of Arrundell as the said Brook or River runs or by such other Meets and Bounds as this Hon^{ble} Court in their Wisdom shall think fit

And Your Petitioners as in duty bound shall ever pray

| | | |
|---------------------------------------|------------------------------------|-----------------------------------|
| Phillip Dorrel | Stephen Webber | John Webber |
| Jacob Curtis | Jonathan Webber | John Mitchell |
| Joshua Walker | John Webber Jur | Rich ^d Boothby |
| John Sinkler | John ^{his} A Burkes | Jaems ^{his} M Waakefeld |
| Banjman ^{his} S Goodon | John ^{mark} Wakfield Juny | John ^{mark} Wakfeld |
| Jhm ^{ee} ^{mark} hil | Richard thoson | Iacebod ^{his} E Cussens |
| Charls ^{his} X wchit | Thomas Cusens | Nathaniel ^{mark} Kimball |
| ^{mark} | | |

| | | |
|---------------------------|--|--|
| John X Pilasen | Joseph Cussens | Richard Kimball |
| Jonathan Thomson | Jeridiah Wakfield | Jesse Town |
| Joseph Credifor | Thomas Toune | Samuel Shackley |
| Benj ^a Downing | Ichabod ^{his} \sqcup Cosens Juner | John Gillpatrick |
| John Durrele | Joseph ^{mark} Town | James Gillpatrick |
| Benj ^a Durrill | Benj ^a Coussens | John Gillpatrick juner |
| Benjamin Lord | Mathew ^{his} V Lesuse | Thomas Kimball |
| Robert Patten | John ^{mark} Maddock | James Ross |
| James Burnham | Joseph Wormwood | John Culland |
| John Merrill | Stephen Larabe | Nathaniel ^{his} \lessgtr Wakfield |
| | Samuel Littlefeild | ^{mark} |
| | Gilbert Wakfield | |

The Subscribers in the two right Hand Columns belong to the Town of Wells the other to Arrundell

In the House of Rep^{res} April 15. 1749 Read and Ordered that the Pet^{rs} serve the Towns of Wells and Arundell with copys of this Petⁿ that they shew cause if any they have on the first fryday of the next May Session why the Prayer thereof should not be granted.

Sent up for concurrence T Hutchinson Spkr

In Council, April 15. 1749; Read & Concur'd
J Willard Seřry

In Council June 3. 1749

Read again with the answers of the Towns of Wells & Arundel; And the Matter being fully considered

Ordered that the Petition be dismiss'd

Sent down for Concurrence J Willard Seřry

In the House of Rep^{res} June 9. 1749

Read and Concur'd Joseph Dwight Spkr

Consented to W Shirley

*“ Answer of the two Houses to his Ex^{cy}'s Message of the 6th
Inst. April 19, 1749.”*

May it please Your Excellency.

The two Houses have carefully consider'd your Message of the 6th Ins^t & observe with great satisfaction, your Care of his Majestys Interest & subjects in North America and fully concur with your Excellency in your apprehensions from the french encroachments at Crown point, we think it a very wise & Just step, that the Neighbouring Governm^{ts} have been inform'd of this Coñion danger; and we very much rejoyce that your Excellency has apprized his Majestys Ministers of this french Management and are intirely of your Excellency's opinion, that his Majestys subjects & Interest in North America are greatly indangered by this insolent intrusion, And we beg leave to move to your Excellency, to represent to his Majesty how absolutely necessary it is that some strong fortress should be Erected and Maintained by his Majesty, as near as may be to Crown point fort, as well to prevent the farther incroachment of the french in time of peace and to cover any settlements which may be made hereafter on the lands in those parts belonging to the Crown as to Curb & check the french if there should happen to be a war, and his Majestys subjects have the greatest reason to be concerned at their danger here westward, because of our exposed state to the Eastward upon giving up Cape Breton to the french, It is notorious, that the whole Province of Nova Scotia are in the french Interest, except a Small number in the Garrison of Annapolis, we cannot therefore but apprehend that his Majesty's subjects & Interest, that way, will be in the utmost Danger of being lost & destroyed, if some strong fort or place of security & defence be not also built at Chebucto, or some where near Louisburgh, And y^t the Prov. of N. Scotia be sufficiently fortified & peopled with good Protest^t subjects to Curb our Enemies on that side encourage

& animate those who adhere heartily to his Majesty's Interest, & intimidate our false & most dangerous friends.

The Two Houses have also considered the application of the Eastern Indians for peace, and We are glad, the treaty is propos'd to be at Boston. We apprehend it not for the Hon^r of the Province that the treaty sh^d be at the Eastward & when it has been so we have always been Expos'd to much expense by it, However as it is probable, the Indians will scarcely be arriv'd here, before the Session of the Great & General Court in May next, we apprehend it unnecessary for the two houses to be more particular at this time.

In Council April 18; Read & Ordered that this Report be accepted as an answer to his Excellency's Message of the sixth Instant, & that Sir William Pepperil with such as shall be joined by the Hon^{ble} House of Represent^{ves} be a Committee to wait on his Excellency with a fair draught thereof. Sent down for Concurrence. J. Willard Sec^y

In the House of Rep^{tes} April 18, 1749.

Read and Concur'd and Col^o Richards and Col^o Miller are Joined in the Affair. T Hutchinson

Petition of inhabitants of Merriconeag and Islands adjacent in North Yarmouth.

To His Excellency William Shirley Esq^r Governour of the Province of the Massachusetts Bay in New England.

To the Honourable His Majesties Council, And The Honourable House of Representatives, in General Court assembled.

We the Subscribers inhabitants of the neck of Land Called Merriconeag and the Islands adjacent lying in the Township of North Yarmouth, Being sensible that we are

required by the Laws of God and this Province to attend on the Publick Worship of God on the Lords Day and Enjoy the Priviledges of the Gospell: Not being able with any Convenience to give our attendance at the stated Place of Worship in the Town of North Yarmouth or in any neighbouring Town by reason of our great distance from them both by Land and Water, the most of us living more than ten Miles from any stated place of Worship And on this account We are Deprived in a great measure of Enjoying the Priviledges of the Gospel; and being Desirous to Support the Gospell among our selves at a place where we have unanimously tho't it proper to attend it, and not being able to Effect this of our selves: We have petition'd to the town of North Yarmouth to Vote us to be a Distinct and seperate Precinct, with all that tract of Land called Merriconeag Neck and the Islands adjacent lying within two Miles Westward of the afores^d neck and all the Islands and Main land lying Eastward of the s^d neck in the Township of North Yarmouth afores^d The Prayer of the petition was granted at the annual Town meeting. The Coppy of the vote will be laid before the Honourable Court: and still not enjoying the Priviledges of a Distinct Precinct.

We Humbly request of your Excellency and the Hon^{ble} Court to invest us with all the Powers and Priviledges of a distinct and seperate precinct in concurrence with the vote of the Town of North Yarmouth afores^d.

Gentlemen

We the subscribers belonging to merriconeag & y^e Islands adjacent by reason of the inhabitants of a tract of land Called the Gore lying between the Towns of North Yarmouth and Brunswick being a part of Merriconeag Neck afores^d and part of an Island on the Easterly side of the s^d Neck called great Chebeschodegan being able to attend the publick Worship at Merriconeag with much more Convenience than where there

is any stated place of Worship and we standing in more need of their help than any Town or Precinct adjoining, do further Humbly request of your Excellency and the Honourable Court to grant them to be adjoined to us and in a Precinct with us, with all that Tract of Land called the Gore Between the Towns of North Yarmouth and Brunswick afores^d The inhabitants of the s^d Gore joining with us in our request.

Gentlemen //

Your granting the above Petitions we shall esteem a most tender regard for our spiritual good and shall always subscribe our selves your Humble and most obedient servants.
Merriconeag May 3rd 1749

| | | |
|-----------------|---------------------------|----------------------|
| John Stover | James Alexander | Wait Webber |
| Timothy Baily | Abiah Cobb | Elisha Allen |
| William tarr | William Alexander | nathal Barns |
| Robarts Wats | John Mathews | Patrick Phelan |
| Joshua Cromwell | William Weeks | Caleb Curtis |
| Richard Hays | Edward Cunningham | William Magrat |
| William Black | Thomas Heagarty | William Black Junior |
| Benjimen Webber | Joanthen Webb | Beniaman barns |
| Seth Toothaker | Sam ^l Winchell | Alexander Willson |
| John Phelan | James Doyle | |

In all 29

Gov^t Shirley to Marquis la Galissoniere

Boston May 9. 1749.

Sir,

Two days ago I received from M^r Mascarene a Copy of your Letter to him, dated at Quebec 15th January, wherein (among other Demands) you call upon him to acquaint you whether he intends to comprehend the Abeniqui Indians in the Peace, without requiring any kind of Submission from

e'm, and desire that in such case he would engage me to let e'm resettle in their Village, and their Missionaries remain there with e'm unmolested, as they did before the War; observing to him that those Indians enter'd into the War, only as your Allies and therefore, when the War was finished with you, it ought to be so with regard to them; and You Proceed to say, Sir, that if they thought otherwise in New England, You shall be Obliged to Assist those Indians, intimating that it is of importance to the safety, and Tranquillity of the Frontiers of the Massachusetts Bay, that you should have a speedy and Positive Answer, and that you shall not be surpriz'd, if the Indians should proceed to Acts of Violence

To this, Sir, which is the fourth Demand in your letter, M^r Mascarene having referr'd you to me upon it, I shall comply with your request in giving as speedy and Positive an Answer, as may be.

The Village of the Abenaki Indians by which I at present understand only those, who are seated on S^t John River has been ever deem'd by the English to be situated within the heart of Nova Scotia, and consequently that Tribe of Indians, together with the French Inhabitants upon the same River to be Resident within his Majesty's Territories; and accordingly, Sir, the latter have acknowledged themselves, ever since the Treaty of Utrecht, to be Subjects of the Crown of Great Britain, by taking the Oaths of Fidelity and Allegiance to it; and have had the protection of his Majesty's Government in common with his other Subjects in that Province. This being the case; these Indians, when the advice of a Rupture between his Majesty, and the King your Master was hourly expected, under the pretext of sending a Deputation to M^r Mascarene to desire that they might remain in Peace & Amity with the English, notwithstanding War should happen between the two Crowns, gain'd Admis-

sion into Annapolis Royal for some of their Tribe, who were in reality (as it afterward prov'd) spies; and having obtain'd Mr Mascarene's Agreement to what they pretended to propose in behalf of their Tribe, and being honourably treated and dismiss'd by him, return'd in three Weeks after, among others of their Tribe with their Missonary DeLoutre at their head, Surpriz'd and killed as many of the English at Annapolis Royal, as they caught without the fort, destroyed their cattle, burn'd their houses, and continued their Acts of Hostility against the Garrison 'till the arrival of two of the four first Companies, I sent from New England, for the Reinforcement of it; such was the entrance of these Indians, Sir, into the War with us, and their Alliance with you.

For this Perfidious behaviour I caused War to be Declared in his Majesty's name against these Indians at Boston in November 1744, and, so far as it depends on me, they shall not be admitted, Sir, to Terms of Peace till they have made a proper Submission [To His Majesty's Government] for their Treachery; unless they should be already comprehended in the Definitive Treaty of Peace and Friendship, lately concluded at Aix la Chapelle, which I shall on my part strictly observe on every Point.

As to what you have thought fit, Sir, to declare in Your letter concerning your intentions to support the Indians in Acts of Hostility against us, unless we give e'm Peace upon the Terms there prescribed by you, and the Danger, the Frontiers of the Massachusetts bay in particular may be in; unless you have a speedy and positive answer upon this head; What I have to say in Answer is, that I shall be sorry for a new Rupture between us, and am very desirous to have perfect tranquillity restored to the province under my Government; but if the latter is not to be the case, and you think fit to make yourself a party in an Indian War against us; I doubt not, but his Majestys Subjects upon this con-

tinent will be able to make just Reprizals upon Canada, when it shall be his majesty's Pleasure to have e'm do it.

I can't avoid now, Sir, expressing great Surprize at the other parts of your letter, whereby you take upon you to call Mr Mascarene to account for expelling the Missionary from Minas, for being guilty of such treasonable Practices within his Majesty's Government, as merited a much severer punishment, than that of Expulsion from the Province.

The Right you claim, Sir, of sending missionaries from France to reside among his majesty's Subjects of Nova Scotia as their Priests, and, in consequence of that, Your forbidding his majesty's Governour to make any Alteration in the State of Religion and its Ministers there is still more extraordinary; and I must not omit on this Occasion to remark to you, that I think the letter, which the Bishop of Quebec lately wrote to Mr Mascarene concerning his intended Visitation of his majestys Subjects in that Government, in such Terms, as shew'd, he looks upon e'm as part of his cure of Souls, and within his Jurisdiction, was likewise an extraordinary Attempt and can't be Admitted. Your interfering, Sir, in his majesty's punishment of his Subjects in Nova Scotia inflicted for Rebellious and Treasonable Practices against his crown, and he requiring others of them to Renew their Oaths of Fidelity; and, in one word, your treating the Subjects of the crown of Great Britain in that Province, as if you look'd upon e'm as Subjects of his most Christian Majesty, and being under his Allegiance, is, if Possible, still more surprizing; and as these Attempts are manifest Invasions of the undoubted Right, which every Prince has over his Subjects: I can't but look upon e'm as Insults upon his majesty's Government, which require no further Answer.

After these Attempts, Sir, upon his Majesty's Right of Government over his Subjects in Nova Scotia, I am less surprized at Your Encroachments upon the limits of his

Province, which you are pleas'd to call in your letter Dependencies of the Government of Canada.

As to your Demand for the release of the two Indians carry'd off by Cap^t Gorham, I can't allow, Sir, that you have a right to interpose in that Affair; and M^r Gorham has satisfy'd me that he committed no breach of Publick faith in doing it.

I can't conclude without making use of this opportunity to acquaint you, Sir, that we look upon Fort S^t Frederic at Crown Point as an Encroachment upon his majestys Territories; and in case you proceed to settle the Country round it, shall Esteem those settlements so too, unless that Tract has been ceded to you by the late Definitive Treaty at Aix la Chappelle.

I am sorry, Sir, that the first fruits of y^e Peace on Your part have so unpromising an Aspect; and beg you will be perswaded that nothing shall be wanting in me to preserve that right understanding, which subsisted between us during the War, having the honour to be with the most perfect regard, Sir, Your most humble, and most Obedient Servant

W. Shirlev

Petition of the Selectmen of Falmouth, 1749.

Province of the Massechusets Bay

To his Excelency William Shirly Esq^r Commander in Chief of his Majestyes Province of the Massachusetts Bay, The Honorable his Majestyes Council, and the Honorable House of Representetives In General Court Assembled May, 1749 .

The Petition of the Subscribers Selectmen of The town of Falmouth Humbly Sheweth, That In or about the year 1734 By the Interest of Thomas Westbrook Esq^r late of Falmouth

Decs^d there was a bridge Erected over fore River In said Town In length 640 feet with a Casway at Each End of said bridge, In length 70 feet, on or about y^e year 1738 by the force of The tide and Ice a great part of s^d Bridge was Broaken up, the Repairs of Which amounted to upwards of 300 Pounds old Tener, and In the Several Years Since the Repairs have amounted to Upward of 2000 Pounds old Tener. Said Town have made application to the Court of General Session of the Peace for the County of York for their assistance, In the Repairs and maintainace of s^d Bridge, But have had no Relief; other Charges of s^d Town Beaing at least Equal In Proportion to any other Town In the government their being a great Number of large Expensive Bridges in s^d town Exclusive of s^d Bridg: Said Bridge being Equal to If not the most Expensive Bridge In the Government, the Inhabitants of s^d Town are Not abel any longer to bare up under said Burthen, therefore Your Petitioners Humbly Pray your Excelency and Honours, to take the Same Into your Wise Consideration, and order the County of York to Repair and Maintain the Same or order a vote on s^d Bridge, or otherwise Relieve your Petioners as you In your wisdom Shall see meet.

And your Petitioners as In duty Shall Ever Pray
 Falmouth June y^e 14 1749 Ezekiel Cushing }
 John Snow } Select
 Joseph Tompson } men
 William Cotton } for
 Christo Strout } Falmouth

In the House of Representatives Aug^t 14th 1749 read and Ordered that the Clerk of the Court of Sessions for the County of York be served with a Copy of this Pettⁿ that he may Notife the Justices of s^d County at least fourteen Days before the Court of Sessions meet, that they shew Cause if

any they have on the 2^d Wensday of the next sitting of this Court why the Prayer thereof should not be granted

· Sent up for Concurrence

J Dwight Sp^{kr}

In Council: Aug. 15. 1749 Read & Concurred

J Willard Se^{cr}y

In Council Dec^r 13 1749 Read again with the Answer of the Court of General Sessions of the Peace for the County of York, and the Matter being fully considered Ordered that this Petition be dismiss'd

Sent down for Concurrence Sam^l Holbrook Dep Se^{cr}y

In the House of Rep^{tes} Dec^r 29, 1749 Read and Nonconcur'd and Ordered that Col^o Otis Col^o Heath and M^r Hubbard with such as the Hon^{ble} Board shall appoint be a Committee to Consider this Petⁿ and Answer, Hear the Parties, and report what they Judge proper for this Court to do thereon

Sent up for concurrence

J Dwight Sp^{kr}

In Council Dec^r 29 1749 Read and Concurr'd and Joseph Wilder and Samuel Watts Esq^{rs} are join'd in the affair

J Willard Se^{cr}y

At a Town Meeting Held at y^e Town house in Falmth May y^e 22^d 1749

M^r James Gooding Chosen Moderator for s^d Meeting Voted the Select men of The Town of Falmth for y^e time Being Prefer a Petition to y^e Great & General Court to Take into there wise Consideration the Extreordinary Charge s^d Town is Anuely in Maintaining the Great Bridge over the fore river & order a toll on s^d Bridge or order the County of York to support & Maintain y^e s^d Bridge or some other way Ease s^d Town of the Extreordinary Expence of said Bridge as Thay in there Wisdom Think Fit —

Recorded p Moses Pearson To Cler

A True Coppy from y^e second Book of y^e Records for Falmouth page 248

attest Moses Pearson town Clerk

Kenebunk in Wells May 24. 1749

| | | | |
|--|------|----|---|
| Acco ^t of our Charge for Preaching in the year 1743 | £89 | 18 | 2 |
| Ditto in the year 1744 | 128 | — | — |
| Ditto in the year 1745 | 166 | 1 | 4 |
| Ditto in the year 1746 | 132 | — | — |
| Ditto in the year 1747 | 207 | 12 | 6 |
| Ditto in the year 1748 | 275 | — | — |
| old Tenour | £998 | 12 | 0 |

Rec^d p a Vote of the Town of Wells

| | | | |
|-------|------------------|------|---|
| | in the year 1743 | £15 | — |
| Ditto | in the year 1744 | 20 | — |
| Ditto | in the year 1745 | 20 | — |
| Ditto | in the year 1746 | 30 | — |
| Ditto | in the year 1747 | 50 | — |
| Ditto | in the year 1748 | 60 | — |
| | old Tenour | £195 | — |

Answer of the Inhabitants of the Town of Arundel to the Petition of Inhabitants of Wells and Arundel.

To his Excellency William Shirley Esq^r Captain General and Governour in chief in and over his Majestys Province of the Massachusetts Bay The Hon^{ble} the Council and Hon^{ble} House of Representatives of the said Province in General Court Assembled at Boston May 31, 1749 —

The Answer of the Inhabitants of the Town of Arundell to the petition of about Thirty Familys belonging to the Eastern part of Wells and about twenty familys of Arundel in the County of York —

Most humbly Shew

That as to the Difficultys mentioned by the said Twenty Familys in Attending the Publick Worship at the Meeting

house in said Town, they are not greater nor so great by far as people Generally undergo in other Country Towns in this Province and thô the aforesaid Familys in the Eastern part of Wells in order to be set off plead their distance and the Difficultys of Wading two Rivers to get to their Meeting house our Familys have no such difficultys no River between them and the Meeting house erected in Arundel, nor are they at a greater distance from it than many other Familys in said Town, they being one with another about four Miles or a little more from the Meeting house as Your Respond^{ts} find by Measuring with a Good and Lawfull Chain, while people in other Towns go much further as in York Wells Biddeford and every Town in the County of York that your Respond^{ts} know of So that they have not as your Respond^{ts} humbly Conceive any Reason to be Dismiss'd on Account of their Distance or Difficultys they having no River to Wade but a good fair and Open Road no ways Incumbred Neither with Gates nor barrs Moreover as the said Town of Arundell is but very Small as to their Inhabitants and of but Slender Abilitys as by the valuation Given to this Great and Hon^{ble} Court will fully Appear, instead of parting with the said Twenty Familys which would Reduce the Old Parish to but forty Familys and among them many in very poor and low Circumstances Scare able Comfortably to Support themselves much less to bear any considerable part in the necessary Charges of a Parish Your Respond^{ts} apprehend they need Rather to have the said Thirty familys annexed to them than twenty familys taken of to make a Parish for them Further- more your Respond^{ts} beg leave to Inform your Excellency and Honours that the Parish line petitioned for if Granted will take off full half the Township of Arundell and almost all their Tillage lands and Includes Several Familys which thô one or more of them are at the very greatest distance from Meeting are Utterly Averse to the Intended parish;

nor do they desire a Parish because of their distance which is all the plea mentioned by the pet^{rs} they as well as the Town Consenting to and approving of the place Stated Among us for the Publick Worship of God nor do they in their petition intimate the least desires of moving the Meeting house the better to Accomodate them –

And as the Setting up a Parish by taking off a full third part of the Familys of said Town would almost Ruin and Destroy it which as it now is, is one of the poorest & Smallest of any in the Province of its Age, and would Render them incapable to Undergo the Support of the Ministry and other necessary Parish Charges which they Engaged in, ever Expecting and Depending on the help and Assistance of the said Twenty Familys which have always had their voice with them in all Expensive Obligations laid upon the Parish And as the taking Twenty familys from them to set up a new Parish and thereby Ruin the Old is what has never yet been done by this Great and General Court Your Respondents therefore take Encouragement to aske your further Care of them in this time of Difficulty wherein many are Declaring the Methods they will have Recourse to, to ease themselves from any further Charge to the Ministry in Case the said Familys are set off and as your Respondents have no Dependance on a sufficient Number to Abide with them therein as there will be but a few familys left and that on a Cape of Rocky broken land but a Small Gore for a Parish in form of a Wedge extending but about three miles back from the Sea and affords scarce any Arable lands in it And the Minister that came to them in Comfortable Circumstances and hath a large family would be Constrained to leave them or suffer Greatly, The Taxes of Several among the Inhabitants being now almost as much as their places would Rent for And as the taking away a third part of their familys and by far the better half of the Lands and almost all their Saw Mills to

make a Parish for the petitioners would be the utter destruction of those that dwell by the Sea —

Your Respondents Therefore most humbly pray Your Excellency and Honours to take these their Distressed Circumstances into Consideration and be pleased in your Great Wisdom and Justice to Continue the said Twenty familys with them and Dismiss their petition as Groundless —

And as in Duty bound Your Respond^{ts} will ever pray &c
Jonathan Stone, Agent for Arundel.

Answer of the Inhabitants of Wells to the Petition of Inhabitants of Wells & Arundel.

To His Excellency William Shirley Esq^r Captain General and Governor in chief in and over the Province of the Massachusetts Bay in New England And To the Hon^{ble} his Majestys Council and House of Representatives of the said Province in General Court assembled at Boston May 31st 1749 —

We the Inhabitants of the Town of Wells being notified by thirty of Our families in the Eastern part of said Town laying on Kennebunk River to appear before this Hon^{ble} Court and give in our reasons why the Prayer of their Petition to be Sett off a distinct Parish should not be granted, by our Agent Cap^t Samuel Wheelwright, fully Impowered to appear for us, beg leave to Answer as follows Viz^t — That by reason of some difficulties the pet^{rs} Labour Under because of the distance of way and also the Wading of two Rivers in Order to attend the publick worship of God, the respondents have at the pet^{rs} request in the Annual March Meetings yearly Considered the Case of said thirty families — and as the respond^{ts} do not Stand in real need of the pet^{rs} help and assistance to Support the Ministry with us have always

approved of advised and allowed the pet^{rs} preaching every year during the Winter Season and Money to defray the Expençe thereof till the days lengthen —

That the pet^{rs} having a very good road to the Meeting house can well enough the other part of the year attend with the respond^{ts} at their Meeting house, and as to the Rivers which the pet^{rs} represent as if they all in general were obliged to wade the respond^{ts} answer that but 5 families only are put to any difficulty thereby, and that but only every other Sabbath by reason the Tide Suits every other Lord's day to ride through them & the road is then pleasant & good being on plain beaches along by the Sea, and when the Tide is in, by crossing Kennebunk ferry where there is a good boat kept, they may Easily get to Arrundel Meeting House which is not at a greater distance from them than people usually go in Country Towns it being much nearer than it is to the Meeting house in Wells but about four or five miles; Notwithstanding all which the Respond^{ts} are ready as Soon as we think we are a People able and Sufficient of themselves to Support the Ministry among them, without perswading and drawing off, the twenty families of Arrundell, that they have got in with them to be Sett off, w^{ch} as the respond^{ts} are well acquainted with the Low Circumstances and State of that Small Township we apprehend cannot be parted with by said Arrundel, without merely disabling them to Support the Ministry of the Gospel in the Old Town there —

That your Respond^{ts} humbly Conceive the Welfare of the Towns of this Province depends on the Care and Wisdom of this Hon^{ble} Court, which never yet as we know off destroyed an Old Parish to Sett up a New one, nor gratifyd the request of a Party when it aimed to ruin the whole, and your Respond^{ts} therefore doubt not your Excellency and honours will reject the Petition and Continue the petitioners with us till they are able to go off, of themselves, without tearing off the bet-

ter half of the Lands and Valuable Interests of s^d Arrundell, And the respond^{ts} shall Continue to assist said familes (the petitioners) with Winter preaching, We being well assured by Valuation of the pet^{rs} Estates, that they are not able at present to Encounter with the Expence of Settling the Ministry among themselves, and are Sorry we have Occasion to remark to this Hon^{ble} Court, the reflection Cast on the Town of Wells, when the pet^{rs} by their petition would represent to y^r Ex^{cy} and honors, that they have all along paid their respective Quotas to Our Rev^d Pastor of Wells, which is entirely wrong, as appears by the yearly allowance granted them, an Authentick Copy whereof is herewith Exhibited And the Pet^{rs} as if fully Satisfied of their Insufficiency to go through what they are about, are Unreasonable in the Limits prescribed in the Petition on the respond^{ts} Side as well as on the side of Arrundell, they Petitioning for a North West Line from the Mouth of Mousam River – which Includes a Tract of Land, by Admeasurment (Occasioned by means of their petition) two miles taken from the respond^{ts} on the Sea board, and four miles up at the head in the Country, So that near a third part of the respond^{ts} Lands and Interests, which the pet^{rs} dont own, We find not a tenth part off, but the Inhabitants of the Old Parish that are Owners of the Lands and Saws included in the bounds proposed, there being no less than ten Saws in Number, of which the Pet^{rs} altogether are not interested in more than One and without any right in the Grist Mill, w^{ch} Mills pay great taxes, So that the pet^{rs} dependance in going to the Change of a Meeting House and other Accomodations for a Minister, Y^r Ex^{cy} and Hon^{rs} may plainly perceive is out of the Taxation of the respond^{ts} Estates and not their own. One of said mills being better than all the mills in the Western part of the Town of Wells. So that in fact if the Petition be Granted, the respond^{ts} will be Obligated to Support the Gospel Ministry in our Own and also in their Parish too, which the Respond^{ts} look upon Such

an hardship, as that your Exc^y & Hon^{rs} will not they trust Lay upon them. Upon the whole therefore as we think, th^o the Pet^{rs} plead the Promoting Religion in their petition, It rather will Starve the Cause and hurt the Welfare of it both in Arrundell and among themselves, And as to the pet^{rs} allegation that they Supported the Ministry with themselves and without Us, it is wrong and false So We beg leave to Inform y^r Exc^y & Hon^{rs} that of the thirty six families of Wells which are put down, they have to Swell the Petition, we Conceive much Imposed on this Hon^{ble} Court as they have put down the Names of twelve Young persons in their petition w^{ch} names in the Copy Served on the respond^{ts} are Crossed that they may be known, who are all in a Single Capacity, have no families, the Chief of them if not all no manner of Estate, the bigger part we apprehend are under Age living wth and under the Care and Comand of their fathers, and never may attain to be Masters of familys, or not disposed to Settle with them as well as the other, being notoriously wrong and false, and the Estates of Persons in Wells not among themselves, must support two thirds of their Charges, Arrundell be ruined —

The respond^{ts} therefore humbly Pray their Petition may be dismissed, three men puting in their three Sons yet under their Care, and other persons among them transient, that may go when they will, down as So many families, when if they would join the Town of Arrundell, all would only add to them Sixty, but about twenty four more

Wherefore the Respond^{ts} leaving and Submitting the Premisses to your Excellency and Honours Judgment and Consideration doubt not, but under So many Wrong representations of the Petitioners you will see Cause to dismiss the Petition aforesaid as groundless —

And y^r Respond^{ts} (as in duty bound) Shall Ever pray &c
Signed in behalf of the Town of Wells by

Sam^l Wheelwright Agent

June 1st 1749. —

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